

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 010-050

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING DIVISION 1 (GENERALLY) OF CHAPTER 14 (AVIATION), ARTICLE III (MUNICIPAL AIRPORT) BY ADOPTING CERTAIN PROVISIONS, RULES AND REGULATIONS RELATING TO THE USE AND OPERATION OF AIRCRAFT AND VEHICLES ON THE ADDISON AIRPORT; PROVIDING DEFINITIONS; PROVIDING CERTAIN GENERAL REGULATION REGARDING ADDISON AIRPORT; PROVIDING REGULATIONS RELATING TO AIRCRAFT GROUND OPERATIONS; PROVIDING REGULATIONS RELATING TO VEHICLES AND OTHER MODES OF TRANSPORTATION ON ADDISON AIRPORT; PROVIDING REGULATIONS RELATING TO AIRPORT HANGARS; PROVIDING REGULATIONS RELATING TO AIRCRAFT WASHING, STORM WATER POLLUTION PREVENTION, THE AIRPORT ACCESS ROAD, SMOKING AT THE AIRPORT, ACCIDENT REPORTS, AND AIRCRAFT INTERFERENCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY, IN ACCORDANCE WITH SECTION 1-7 OF THE CODE OF ORDINANCES, IN AN AMOUNT NOT TO EXCEED THE SUM OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00), EXCEPT THAT THE PENALTY FOR A VIOLATION OF A PROVISION HEREOF REGARDING FIRE SAFETY, ZONING, OR PUBLIC HEALTH OR SANITATION SHALL NOT EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), BUT IN ANY EVENT THE PENALTY SHALL NOT BE LESS THAN OR EXCEED AN AMOUNT AS MAY BE PRESCRIBED BY STATE LAW FOR A VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) desires to amend the Code of Ordinances of the City as set forth herein to adopt certain rules and regulations pertaining to Addison Airport, including the use and operation of aircraft and vehicles therein, and the City Council does hereby find that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the City and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the “City”) is hereby amended by amending Division 1 (Generally) of Chapter 14 (Aviation), Article III (Municipal Airport) of the Code of Ordinances of the City (the “Code of Ordinances”) as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the Code of Ordinances

are not amended hereby. For purposes of the said amendments as set forth in the attached Exhibit A, additions are shown by underlining, and deletions are shown by ~~strike through~~.

Section 3. Savings; Repealer. 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. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount in accordance with and as provided in Section 1-7 of the Code of Ordinances (that is, in an amount, not to exceed \$500.00, except that a fine not to exceed \$2,000.00 shall be imposed upon a person convicted of a violation of this Ordinance if the violation governs fire safety, zoning or public health or sanitation, but any penalty imposed for a violation of this Ordinance shall not exceed or be less than the penalty as may be prescribed by state law), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.


Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 14th day of December, 2010.


Joe Chow, Mayor

ATTEST:

By: 
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 
John Hill, City Attorney

Exhibit A
to Ordinance No. 010-050

The Code of Ordinances of the Town of Addison, Texas is amended by amending Division 1 (Generally) of Chapter 14 (Aviation), Article III (Municipal Airport) of the Code of Ordinance of the City as set forth herein (additions are shown by underlining, and deletions are shown by ~~strike-through~~).

DIVISION 1. GENERALLY

Section 14-61A. Definitions. For purposes of this division, the words and phrases set forth below shall have the following meanings, except where the context clearly indicates a different meaning:

Abandon, except as otherwise provided in this division, means that property has been left on non-leased property at the airport without the consent of the town for a period of 48 hours or more without the owner moving or claiming it, or on leased property at the airport without the consent of the tenant.

Air traffic control tower (ATCT or tower) means the facility from which FAA authorized personnel provide instructions to aircraft and approved vehicles operating on and/or within the vicinity of the airport movement areas via two-way radio communications or light gun signals.

Air traffic controller (ATC) means FAA authorized personnel who provide instructions to aircraft and approved vehicles operating on and/or within the vicinity of the airport movement areas via two-way radio communications or light gun signals from the tower.

Aircraft means any device intended, used, or designed for flight in the air.

Aircraft maintenance means the maintenance, preventive maintenance, rebuilding, or alteration of aircraft as described in Part 43, Title 14, Code of Federal Regulations, and includes only major repairs and minor repairs as defined below:

- (1) Major repairs means major alterations or major repairs to the airframe, powerplant, propeller, appliance, or otherwise of an aircraft as set forth or described in Appendix A, subsections (a) (major alterations) and (b) (major repairs) to Part 43, Title 14, Code of Federal Regulations.
- (2) Minor repairs means preventive maintenance (provided it does not involve complex assembly operations) to an aircraft as set forth or described in Appendix A, subsection (c) (preventive maintenance) to Part 43, Title 14, Code of Federal Regulations; provided, however, that "replacing prefabricated fuel lines," identified as item (22) in the said subsection (c), is not preventive maintenance (and therefore not a minor repair) but is and shall be considered a major repair.

Aircraft parking and storage areas means those hangar and apron locations of the Airport designated by the Airport Director for the parking and storage of aircraft.

Airport means the area of land owned by the Town and known as Addison Airport.

Airport Director means the duly designated person (whether designated pursuant to a contract between the Town and a third party, or otherwise) responsible for the overall operation and management of the airport, or the Airport Director's designated representative.

Airport layout plan (ALP) means the town council's most recently accepted scaled drawing of existing and proposed land and facilities necessary for the operation and development of the airport, which has been submitted to the FAA for approval or approved by the FAA.

Airport operations area (AOA) or airside means the portion of the Airport, paved and unpaved, specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, passengers of the aircraft, employees of the Town and of any entity or person that operates and manages the Airport for the Town, and such other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection and operation of the aircraft and Airport. Generally the Airport Operations Area is that portion of the Airport which lies inside the Airport perimeter security fence giving direct access to any aircraft and its movement area.

Apron means a paved area that is located adjacent to an aircraft hangar door and allows the maneuvering of aircraft to and from the hangar it serves.

Authorized person means a person that has successfully completed a Ground Vehicle Training Program.

Building means the main portion of each structure, all projections or extensions therefrom and any additions or changes thereto and includes, without limitation, garages, outside platforms, docks, carports, canopies, eaves and porches.

Commercial aeronautical activity (CAA) means a person that leases land from the city or a facility from another CAA and is approved by the town to provide commercial aeronautical products or services to the public. Such activities include, but are not limited to, fixed based operation (FBO).

Common Area means that portion of the airport, which is now or hereafter considered by the FAA, TxDOT, the town, or any other regulatory agency with oversight of the airport to be the obligation and responsibility of the town to operate and maintain for the common use and benefit of the general aviation public. The Common Area includes, without limitation, any air navigation facility or structure designed and intended to serve the general public not specifically subject to a lease agreement; all runways, taxiways and other common-use paved, graveled or turfed areas and their respective protection zones, safety areas and/or object free areas; any other facility or facilities at the Airport that are eligible for federal or state grants or subsidies awarded on the basis of their serving the benefit of the public (including runways, taxiways, vehicle streets and alleys, public aircraft

aprons/tarmac, vehicle parking areas, and drainage structures); field lighting and associated beacon and lighted wind and landing direction indicators; security, fire, and emergency medical protection; protection of aerial approaches to the airport; directional signs; and perimeter or restricted access fences. The Common Area shall be under the control and management of the town and may be rearranged, modified, changed or terminated at the town's discretion. The Common Area is shown in Appendix 1 – Addison Airport Common Area Map to this division (which Appendix is on file in the office of the Airport director and which is incorporated into and made a part of this division), which identifies the Common Area as both the red shaded and yellow shaded areas.

Disabled aircraft means an aircraft that has become disabled as the result of an incident, accident or for any other reason on any portion of the airport.

Employee means an individual who works for an aircraft owner, and for which the aircraft owner files federal income taxes and tax withholding with the IRS on behalf of the employee.

Entity means a person, firm, corporation, partnership, limited liability company, or other entity recognized in law.

Equipment means equipment, machinery, tools and other supplies and materials.

Escort means a person and/or vehicle authorized to access the AOA who accompanies and is responsible for the actions of another person and/or vehicle that is otherwise not authorized to access the AOA.

FAA means the Federal Aviation Administration.

Fuel farm means a facility located on the airport owned by the town and leased, in whole or in part, to third parties in which above-ground bulk fuel storage tanks are located and which facility is designed to contain fuel spills or leaks from entering the environment.

Ground Vehicle Training Program means a training class or course offered by the Airport Director to provide awareness and to teach how a person shall access the Airport safely and correctly.

Hangar means a shelter and all required components constructed especially for storing aircraft.

Lease means a contractual agreement between the town and an entity granting a concession or otherwise authorizing the conduct of certain activities, which is in writing and enforceable by law.

Minimum Standards means the standards adopted from time to time by the town or the airport manager that provide threshold entry requirements for those wishing to perform commercial aeronautical activities, which provide aeronautical products and services to the public, at the airport.

Movement area means that portion of the Common Area, including taxiways and runways, which is used for take-off, landing, taxiing and maneuvering of aircraft, and which requires explicit authorization from the ATC prior to entry or access during the ATCT's hours of operation. The movement area is shown in Appendix 1 – Addison Airport Common Area Map to this division, which identifies the movement area as the red shaded area.

Non-movement area means that portion of the Common Area which is used to provide a path for taxiing and maneuvering of aircraft to a taxiway (such as aprons, taxilanes, and all other areas within the paved portions of the Common Area) and does not require prior permission from the ATCT to enter and access. The non-movement area is shown in Appendix 1 – Addison Airport Common Area Map to this division, which identifies the non-movement area as the yellow shaded area.

NTSB means the federal National Transportation Safety Board.

Patio hangar means a hangar that consists of a multiple number of individual t-shaped bays or units, each suitable for the storage of a single aircraft, and each bay or unit of which is not fully enclosed.

Park or parking means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Person means an individual, corporation, company, association, firm, partnership, society, government, tenant, lessee, concessionaire, passenger, visitor, customer, contractor, and other entities doing business on, employed at, or otherwise using town property as the context shall deem appropriate. It includes a trustee, receiver, assignee, successor or similar representative of any of them.

Rules and Regulations means rules and regulations for the use of the airport prepared and maintained by the Airport Director.

Runway means a portion of the movement area used for the takeoff and landing of aircraft.

Service Provider is any person, operator or business on the airport that has been authorized by the town to offer a public service to aeronautical users of the airport for a fee and has met the requirements of the Minimum Standards.

Stand means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Taxilane means the portion of the apron or non-movement area used by aircraft for access between taxiways and aircraft parking positions.

Taxiway means a portion of the movement area that is used for taxiing aircraft from one part of the airport to another.

Tie-down means the area, paved, suitable for parking of aircraft, and/or wherein suitable tie-down points have been located.

T-hangar means a hangar that consists of a multiple number of individual T-shaped bays or units, each suitable for the storage of a single aircraft, and each bay or unit of which can be fully enclosed by a door located within a single door opening.

Town means the Town of Addison, Texas. Where approval, enforcement or other act on the part of the town is referred to herein, the town shall act by and through its town ordinances unless otherwise specifically indicated.

Unauthorized access means to gain access to the AOA without properly using an airport authorized access control method, an escort or explicit authorization from the Airport Director to do so.

Unauthorized Person means a person that has not completed the Ground Vehicle Training Program and thus, is not authorized to be within the Common Facility without an authorized person.

Vehicle means and includes automobiles, trucks, buses, motorcycles, tractors, all-terrain vehicles, golf carts, go-carts, go-peds, or any other device in or upon any person or property may be transported, other than aircraft.

Other terms used in this division may be defined elsewhere herein.

Section 14-61B. Use of Airport, Generally.

(a) Adherence to this Division, Airport Rules and Regulations, Other Laws. All persons on or using the airport shall adhere to the provisions of this division and of the Rules and Regulations at all times, unless a federal or state law directly conflicts with this division or the Rules and Regulations.

(b) Minimum Standards. A commercial aeronautical activity at the Airport shall comply with all applicable requirements concerning such activities as are set forth in the Minimum Standards and the Rules and Regulations.

(c) Responsibility to Control Property. All persons who have a lease, license, permit, or other authorization from the town to use the airport shall control any property that might be subject to such lease, license, permit or other authorization so as to prevent unauthorized access to such property and the AOA. Controls may include physical barriers, access control devices or procedures approved by the Airport Director.

(d) Through-the-Fence. No person shall be permitted aircraft access to or from the airport without a valid access permit being issued in accordance with Division 3 of this article.

(e) Fire Regulations.

(1) Every person going upon or using the airport or its facilities in any manner shall exercise the greatest care and caution to prevent fire.

(2) Aircraft shall not be fueled while the engine is running unless approved by an authorized and permitted fuel service provider or while in any hangar or other enclosed place.

(3) Fueling of aircraft shall occur only outdoors, and in accordance with National Fire Protection Association Standard Part 407 (NFPA 407), Standard for Aircraft Fuel Servicing, current edition.

(f) *Impoundment of Aircraft or Vehicles.* No person may by physical obstruction or the use of force interfere with the lawful process of impoundment of any aircraft or vehicle. No person may be in, tamper with, damage, operate or open any vehicle or aircraft under lawful impoundment. No person may open, cut, damage, or tamper with any lock, chain, cable, fence or gate or other device used in the impoundment of any aircraft or vehicle.

(g) *Signals.* No person shall fail or refuse to obey the signals of any airport employee or flagman posted by a tenant, contractor, airport official or other person authorized by the Airport Director to regulate the movement of aircraft and vehicles upon ramps or aprons, unless to obey would create a greater hazard than unregulated movement.

(h) *Special Movement-Controlling Devices or Markings.* Unless otherwise authorized by the Air Traffic Controller or the Airport Director, every person operating an aircraft or vehicle or going on foot on or within the airport shall obey and conform to official walkways, hold-short lines, movement area boundary markings, taxi lines, stop lines, turn lines, clearance lines and any other marks or devices officially installed for the regulation or movement within the Airport Operations Area.

(i) *Observing an Accident.* No person shall enter the airside area for the purposes of observing, attending, or assisting at the scene of an accident except persons authorized by law or otherwise requested by or with consent of the Airport Director.

Section 14-62. Town to be free of liability.

No liability shall accrue to the town, its officers, agents or employees for towing, removal, impoundment, storage or disposition of aircraft or their contents under this article.

Section 14-63. Trespass prohibited.

(a) It shall be unlawful and an offense for any person to enter or remain on landing, take-off, taxiing and safety zone areas or any other restricted airport property on the Addison Municipal Airport without effective consent where such person had notice that the entry was forbidden or where such person received notice to depart but failed to do so.

(b) For purposes of this section:

(1) *Airport operator* means the entity with whom the town has contracted to manage and operate the airport.

(2) *Effective consent* means permission given by authorized Federal Aviation Administration (FAA) personnel, authorized personnel employed by the airport operator or authorized personnel employed by the town.

(3) *Entry* means the intrusion of the entire body.

(4) *Notice* means:

a. Oral or written communication by authorized personnel employed by the Federal Aviation Administration, the air traffic control tower, the airport operator, or the town;

b. Fencing or other enclosure obviously designed to exclude intruders; or

c. A sign posted on the property which sign is reasonably likely to come to the attention of intruders and which indicates that entry is forbidden.

(5) *Restricted airport property* means all paved and unpaved areas of the Addison Municipal Airport which areas are specifically reserved for use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers in aircraft, employees of the town or airport operators, and such other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection and operation of the aircraft and the airport.

(c) It is a defense to prosecution under this section that a person has received permission to enter restricted airport property from authorized Federal Aviation Administration, airport operator, air traffic control tower, or town personnel.

Sec. 14-64. Aircraft ground operations~~Parking of aircraft.~~

(a) *Parking of aircraft.*

(1) No person shall park, leave parked, or allow to remain stationary any aircraft at the airport except within a designated aircraft parking and storage area and outside of any common facility. No part of any aircraft should be parked on or hang over the extent of a designated aircraft parking and storage area.~~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.~~

(2) All ~~Parked, unattended~~ aircraft not located in a hangar shall be chocked or tied down when unattended ~~if remaining overnight~~ and during periods of inclement weather. No aircraft will be parked in ~~restricted~~ restrictive areas, including, without limitation, any protected area (object free area, runway safety area, etc.) as described in FAA Advisory Circular 150/5300-13 (and as the same may be amended or superseded).

(3b) Without limiting the foregoing, a ~~Aircraft~~ shall not be parked in a movement area, or in such a manner as to hinder the normal maneuvering or operation of other aircraft, unless specifically authorized by the airport ~~air traffic control tower personnel, the Airport D~~irector, or officials or other personnel acting under the direction or authority of the town ~~ATC~~ as an emergency measure.

(4) Aircraft shall not be parked closer than fifty (50) feet from the fuel farm, a fuel storage tank, or fuel service truck parking area.

(b) ~~Sec. 14-65. Illegally parked aircraft; Abandoned Aircraft.~~

(1) Aircraft which are parked, stored or abandoned contrary to the provisions of section 14-64(a) may be impounded. The return of an impounded aircraft may be conditioned on ~~Redemption of aircraft which has been impounded will necessitate~~ the owner or operator thereof paying all fees accrued against such aircraft to include towing and storage fees incident to impoundment.

(2) The Airport Director or other duly authorized representative of the town may relocate or remove or cause to be relocated or removed any aircraft that is abandoned, parked in violation of this division or any airport rule, regulation, or standard, or which in the determination of the Airport Director presents a security, fire or operational hazard or interferes with the ability of the airport to maintain the premises or any part of the airport, at the operator's expense and without liability for damage which may result in the course of such removal. The town or its authorized agent may ~~relocate or remove or cause to be relocated or removed~~ such aircraft ~~from an illegally parking place by, among other things, engaging private towing services or a fixed-based operator; the owner of such aircraft shall be solely responsible for any damages which may result from such relocation or removal.~~ Any costs or charges resulting from such activities shall be charged against the registered owner of the aircraft.

(3) In the event the town is unable to determine the ownership of an aircraft that has been located for more than 90 days at the airport, the town may dispose of the same in accordance with subchapter Z of Chapter 22 of the Texas Transportation Code, as the same may be amended or superseded.

(c) *Running of Aircraft Engines; Exhaust and Propeller Blasts.*

(1) Aircraft engines shall only be operated at idle except as may be necessary for safe taxiing operations, take off, landing, preflight testing, and maintenance

testing. At no time shall any aircraft engine be operated while the aircraft is in a hangar or covered tie down space. This includes the action of taxiing an aircraft into or out of a hangar. No aircraft shall be left unattended with engines operating.

(2) All aircraft maintenance engine run-ups are prohibited except each day between the hours of 6:00 a.m. and 10:00 p.m. at the run-up areas located at the north and south ends of Taxiway Alpha as show on the Airport Layout Plan or advised by the air traffic control tower. Aircraft maintenance engine run-ups may be permitted at other locations on the airport as authorized by the Airport Director on a case by case basis. For purposes hereof, an "engine run-up" is the operation of an engine at any power setting in excess of normal ground idle.

(3) No aircraft engine shall be started or aircraft taxied where the exhaust or propeller blast may cause injury to any person, cause damage to any property, or spread debris within the AOA.

(d) *Taxiing aircraft.*

(1) Aircraft shall be taxied at speeds that will ensure complete control at all times.

(2) No aircraft shall be taxied except on areas designated for taxiing.

(3) There shall be no taxiing of aircraft by engine power into or out of hangars.

(e) *Arrangement requirements.* No aircraft shall be parked at or on the airport unless its owner or operator has made arrangements with the town or with a business entity that leases land or a building from the town and is authorized to provide commercial aeronautical activity.

(f) *Aircraft parking/tie-down.* No person may offer to provide or may use any tie-down space unless the tie-down space has at least three-point tie-downs, which can accommodate ropes or chains adequate to hold aircraft immobile in whole gale-force winds (55 to 63 mph).

(g) *Violation; Compliance with Rules and Regulations.* It is a violation of this division for any aircraft to be parked, stored or abandoned contrary to the provisions of this division. No person shall operate an aircraft on the airport except in accordance with this division, the rules prescribed by the Airport Director set forth in the airport Rules and Regulations, and all federal, state and local laws, rules, codes, standards, grant assurances, and regulations.

Section 14-65. Reserved.

Section 14-66. 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) Damaged or disabled aircraft obstructing or impeding flight operations or in any manner creating a hazard to flight or airport operational safety shall 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 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 section 14-645.

(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 receives no assurances from the town, other than those required by Federal Aviation Administration and leases that may be in effect on the airport.

Section 14-67. Town's liens on impounded aircraft.

The town shall have a lien on aircraft impounded for the storage and care thereof. Notification to the owner of impounded aircraft shall be conclusively presumed given if, after accrual of 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 town's lien for the payment of such charges, and the contemplated public sale of such aircraft following the expiration of 30 days after mailing of such notice, unless payment or suitable arrangements for payments have been made.

Section 14-68. Vehicles and Other Modes of Transportation.

(a) No unauthorized vehicles or pedestrians. No person shall operate a vehicle on or within, or otherwise access or be located within (whether on foot or otherwise), the AOA or any portion of the Common Area except in accordance with this division, all applicable federal, state and local laws, rules, regulations, orders, and directives, and with rules prescribed by the Airport Director.

(1) No person shall access, whether by vehicle, on foot or otherwise, any portion of the Common Area unless the person has attended and completed the Ground Vehicle Training Program provided by the airport unless being escorted by a person that has successfully completed the Ground Vehicle Training Program. A person who has successfully completed the Ground Vehicle Training Program will be issued a 2-year permit that authorizes the person to operate a vehicle with the Common Area, subject to this division.

(2) A person operating a vehicle within or otherwise accessing (in any manner whatsoever, including on foot) the Common Area shall have, and no person shall access the Common Area unless accompanied by a person who has, attended and successfully completed a Ground Vehicle Training Program provided by the airport and who holds a current permit reflecting such attendance and passage. While accessing the Common Area, a person who has attended and successfully completed a Ground Vehicle Training Program provided by the airport shall at all times carry the said permit and, if also operating a vehicle within the Common Area, a hang tag issued by the airport upon the person's successful completion of the Ground Vehicle Training Program.

(3) All vehicles accessing the movement area must be equipped to maintain two-way communications with the ATCT and be marked or lit in accordance with FAA guidelines, or be escorted by another vehicle so equipped.

Any vehicle authorized to operate on the airport runway or taxiways shall display a rotating beacon that complies with latest edition of FAA Advisory Circular 150/5210-5 and is visible to the Air Traffic Control Tower personnel. Exceptions to this rule must be authorized in writing by the Airport Director. Such vehicle must receive a clearance from, and remain in continuous communications with, the Airport Traffic Control Tower.

(4) Only government, law enforcement, emergency vehicles or other vehicles with prior written authorization from the Airport Director shall be permitted to operate a vehicle on the movement area.

(5) All vehicles must obtain clearance prior to entering the movement area and maintain communications with the ATCT at all times when operating in the movement area. When the ATCT is closed, FAA procedures for uncontrolled airports apply.

(b) *Yield to Aircraft, Emergency Vehicles; Distance to Taxiing Aircraft, Aircraft with Running Engines.* All vehicles shall yield right-of-way to aircraft in motion and emergency vehicles. A vehicle shall pass no closer than one-hundred feet to the rear of taxiing aircraft. No vehicle shall approach closer than one-hundred feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.

(c) *Air Traffic Controller Authority.* Except for the operator of an authorized emergency vehicle operating under emergency conditions, no person traveling in a vehicle, on foot, or by any other means within the movement area shall fail or refuse to obey the instructions of the Air Traffic Controller.

No person shall be upon the movement area either on foot, in a vehicle, or by any other means, except with permission of the Air Traffic Controller and only, as applicable, after successfully attending and completing a Ground Vehicle Training Program, unless such person is escorted by a user that has successfully completed the Ground Vehicle Training Program and the person has obtained permission from the Air Traffic Controller to enter the movement area.

During hours when the Addison air traffic control tower is not in operation, any aircraft (whether being operated by a pilot or a mechanic), vehicle, or pedestrian operating within the movement area of the Airport shall utilize the common traffic advisory frequency (CTAF), 126.0 MHz, and be required to broadcast intentions as advised in the Aeronautical Information Manual (AIM).

(d) *Airport Access Gate Closure.* All persons, upon entering or exiting through an airport access gate or a gate that permit ingress and egress to the Airport Operations Area, shall ensure that the gate closes completely behind their vehicle prior to leaving the vicinity of the gate to ensure that no unauthorized vehicles or persons gain access thereto.

(e) *No Unescorted Access.* No authorized person may give unescorted access to the airport to any unauthorized person.

(f) *Application of Traffic Laws.* State laws regulating pedestrians, vehicle operators, passengers, vehicles and their movements and all town traffic ordinances shall have full force and effect on the airport; provided, however, to the extent of any conflict between this division and the provisions of such laws and ordinances, the terms of this division shall control.

(g) *Use of Airport Access Ways and Walkways.* No person shall operate a vehicle within the airport except on paved access ways or places provided for vehicular use, nor use the airport access ways or walkways in any manner, as to hinder or obstruct their use by others. No person shall walk, stand, or remain in the airside area if such activity is determined to be an operational or safety concern as determined by the Airport Director.

No person shall operate a vehicle across or upon any lawn or grass area, sidewalk or curb within the airport except by permission of the Airport Director or as directed by a law enforcement officer or except as necessary to service or maintain airport facilities.

(h) *Use of Parking Areas Leased or Licensed to Persons.* No person may operate a vehicle upon or within any parking area or facility within the airport that has been leased or licensed by the town to a person except in the course of doing business with that person, or in the course of duty as an employee or agent of that person, or as necessary to service or patrol such facility, or as necessary to obtain access to property adjacent to such facility

when no other reasonable means of access exists and such access has been authorized by such person.

(i) *Prohibition on Blocking Access.* No person may stop, stand or park a vehicle so as to block the entrance or exit of or to any parking lot, driveway or aircraft ramp area within the airport.

(j) *Parking.*

(1) No vehicle shall stop, stand or park in any area of the airport where parking is prohibited by any sign, pavement marking, or other posted signal. Fuel trucks used or operating at the airport must be parked only in accordance with the standards specified in the National Fire Protection Association Standard Part 407 (NFPA 407), Standard for Aircraft Fuel Servicing, current edition.

(2) No person shall park or leave any vehicle standing, whether occupied or not, within the airport except within a designated parking area.

(3) Aircraft owners and Service Providers shall only park their vehicles in the aircraft storage and parking space designated for their aircraft.

(4) Vehicles parked in an aircraft parking and storage area shall be parked in a manner so as to be completely contained in the aircraft parking or storage area and shall not obstruct any adjacent aircraft parking and storage areas or any taxilanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

(k) *Speed.* A person commits an offense if he operates a vehicle within the Airport Operations Area at a speed greater than 15 miles per hour, unless otherwise provided by the town. Any speed in excess of 15 miles per hour within the Airport Operations Area, unless otherwise provided by the town's code of ordinances, shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful. This subsection does not apply to authorized government vehicles, or vehicles authorized by the Airport Director, in the performance their duties.

(l) *Removal of Vehicles.* With the exception of vehicles parked in hangars as may be authorized by a lease or by Rules and Regulations applicable to the airport, the Airport Director may remove or cause to be removed from any property at the airport any vehicle that is (i) disabled, (ii) abandoned, (iii) parked, stopped, or standing in violation of this division or any other ordinance of the town, or (iv) which presents an operational hazard, solely at the vehicle owner's expense and without liability for damage which may result in the course of such removal. In removing an abandoned vehicle at the airport, the provisions of Chapter 683 of the Texas Transportation Code, if applicable, shall be followed. The removal of any such vehicle shall be at the vehicle owner's or operator's sole expense.

(m) Scooters, Go-carts, Other Miscellaneous Vehicles. The use of any scooter, go-cart, golf cart, moped, skateboard, rollerblades, all-terrain vehicles, motorized ice chest, motorized bar stool, or similar vehicle, instrument or device within the Airport Operations Area is prohibited. This subsection does not prohibit the use of vehicles used solely for tugging, marshalling, or refueling aircraft, or golf carts used by those who have successfully completed the Ground Vehicle Training Program and been issued a permit by the Airport Director evidencing such successful completion. On a case by case basis, and with the prior written approval of the Airport Director, other modes of transportation may be used on the airport.

(n) Motor Homes, Boats, Recreational Vehicles. No motor home, boat, or recreational vehicle shall be parked or stored within the airport without the prior written approval of the Airport Director.

(o) Bicycles. The use of bicycles within the airport shall only be permitted during daylight hours and in accordance with all applicable regulations set forth herein for vehicles, as may be applicable.

(p) Vehicle Traffic. No person shall operate a vehicle on or within the air operations area except in accordance with federal, state and local laws and the following:

(1) Only persons with a valid operator's license recognized by the state shall operate a vehicle on or within the airport (save and except for the operation of ground support equipment).

(2) All vehicles operating on or within the airport shall at all times maintain the minimum amount of liability insurance required by state law.

(3) No vehicle shall gain unauthorized access to the AOA. No person shall operate any vehicle upon or within the Common Area without having first obtaining an approved permit issued by the airport and an airport vehicle hang tag (each of the permit and the hang tag evidencing successful completion of a Ground Vehicle Training Program).

(4) Aircraft, emergency vehicles, and pedestrians always have the right-of-way within the airport, and vehicles shall yield to the same.

(5) No vehicle shall not operated at or within the airport (i) in a reckless or careless manner, (ii) in disregard of the rights and safety of others, (iii) without due caution, (iv) at a speed or in a manner which endangers or is likely to endanger persons or property, (v) while the driver would be prohibited by law from operating a vehicle upon the public streets of the town due to drug or alcohol impairment or influence, (vi) if the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle, or (vii) in a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft in case of emergency.

(6) No vehicle shall be operated on or within the airport except for those in sound mechanical condition, including, without limitation, with operable headlamps and taillights at night and during periods of reduced visibility. This provision shall not apply to golf carts, aircraft tugs and wheel chairs.

(7) The operator of a vehicle is responsible for the operator's actions and the actions of their passengers while on or within the airport.

(q) *Vehicle Equipment.*

(1) *Headlamps, rear lamps.* A vehicle operated by a person within the airport shall comply with the provisions of state law governing the operation of vehicles during non-daylight hours, including provisions relating to the use of headlamps and rear lamps.

(2) *Service brakes.* A person may not operate a motor vehicle at the Airport unless the vehicle is equipped with brakes that comply with the requirements of the Texas Transportation Code.

(3) *Parking brakes.* A person may not operate or tow a vehicle at the airport unless the vehicle is equipped with parking brakes to prevent the vehicle's free rolling due to wind, jet blast, or propeller blast.

(4) *Unobstructed view.* A person may not operate a vehicle unless the person has clear visibility to the front, sides and rear from the driver's position.

(5) *Unsafe condition.* A person may not operate a vehicle if it is so constructed, equipped, loaded or in a state of disrepair that endangers persons or property.

(r) *Aircraft Towing.* No vehicle shall be used to tow or move an aircraft unless the vehicle is designed for such use, except in the case of an emergency requiring timely removal of the aircraft.

(s) *Vehicle Washing, Repair.* Washing of vehicles within the airport is prohibited. No person shall repair or provide maintenance on any vehicle on or within the airport, except such minor repairs as may be necessary to remove a vehicle from the airport. This provision does not apply to ground support equipment or vehicles used in the sole operation of a Service Provider's operation, and are owned or leased by the Service Provider.

Section 14-69. Hangars. The provisions of this section apply to aircraft hangars (other than T-hangars and patio hangars), T-hangars, patio hangars, and tie-downs that are owned and/or operated by the town.

(a) *Aircraft Hangars (other than T-Hangars and Patio Hangars).*

(1) Aircraft hangars (other than T-hangars and patio hangars) shall be used only for the following purposes:

a. Storage and parking of aircraft and associated aircraft equipment and supplies as approved by the town fire department and Airport Director, and such uses as may be expressly specified in a valid lease agreement between the town and the tenant;

b. Parking of vehicles while the aircraft which is authorized to be parked and stored in the hangar is in use and operation; and

c. Major repairs and minor repairs; provided, however, that unless a hangar is rated for maintenance activities, such repairs must be performed in the hangar by the owner of the aircraft being repaired and with the prior approval of the Airport Director and the town's fire department; but such prior approval is not required if such major repairs and/or minor repairs are expressly permitted pursuant to a valid lease agreement between the town and the tenant.

(2) In connection with an aircraft hangar (other than a T-hangar and a patio hangar):

a. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft; and

b. Oily rags, oil wastes, rags, and other rubbish and trash shall be stored in containers with self-closing, tight-fitting lids as approved by the Airport Director or the town's fire department.

c. Oxygen or any combustible compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed for the cylinder(s) or tank(s). Compressed gas cylinders or tanks must have pressure relief devices installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed.

d. Batteries shall only be charged while the tenant of the aircraft hangar, a Service Provider, or the owner of an aircraft for which the battery is being charged, is in attendance. Aircraft batteries shall not be connected to a charger when installed in an aircraft located inside or partially inside a hangar.

e. All flammable and/or combustible fluids shall be properly stored in approved containers and fire proof cabinets.

(3) Except as may be otherwise authorized in an applicable lease, any construction that involves moving walls or changing the structure of an aircraft hangar (other than T-hangars and patio hangars) or related building must be approved in writing by the Airport Director.

(4) Aircraft hangars (other than T-hangars and patio hangars) shall be and are subject to annual and periodic inspections by the Airport Director and the town fire department to determine compliance with all laws, ordinances, codes, rules, regulations, and standards.

(b) Aircraft T-Hangars.

(1) Aircraft T-hangars shall be used only for the following purposes:

a. Storage and parking of aircraft which are specifically identified in a valid lease agreement between the town and the tenant of the T-hangar, and associated aircraft equipment and supplies as approved by the town fire department and Airport Director; and

b. Parking of vehicles while the aircraft which is authorized to be parked and stored in the hangar is in use and operation; and

c. Aircraft maintenance, but only minor repairs, to aircraft of the tenant of the T-hangar.

(2) In connection with a T-hangar:

a. Aircraft parked in a T-hangar shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

b. Minor repairs to an aircraft within a T-hangar shall be performed by certified maintenance personnel, provided the same is performed within the confines of the T-hangar, does not interfere with the operation of adjacent tenants, and does not disrupt or interrupt the services of utilities. Major repairs and preventative maintenance within a T-hangar are prohibited.

c. Within a T-hangar, oxygen or any combustible compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed for the cylinder(s) or tank(s). Compressed gas cylinders or tanks must have pressure relief devices installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed.

d. Batteries shall only be charged while the tenant of the T-hangar hangar, a Service Provider, or the owner of an aircraft for which the battery is being charged, is in attendance. Aircraft batteries shall not be connected to a charger when installed in an aircraft located inside or partially inside a hangar.

e. All flammable and/or combustible fluids shall be properly stored in approved containers and fire proof cabinets.

(3) No commercial maintenance activities shall be conducted in a T-hangar; however, such prohibition does not preclude the tenant of a T-hangar from inviting certified maintenance personnel to perform maintenance work in the T-hangar. Any such work must be performed within the confines of the leased site and shall not interfere with the operation of adjacent properties. Any certified maintenance personnel conducting work for compensation on aircraft of the tenant shall comply with the Minimum Standards.

(4) Except as may be otherwise authorized in an applicable lease, any construction that involves moving walls or changing the structure of a T-hangar must be approved in writing by the Airport Director.

(5) A T-hangar is subject to annual and periodic inspections by the Airport Director and the town fire department to determine compliance with all laws, ordinances, codes, rules, regulations, and standards.

(c) Aircraft Patio Hangars and Tie-Downs.

(1) Patio hangars and tie-downs shall be used only for the following purposes:

a. Storage and parking of aircraft specifically identified in a valid agreement between the town and the tenant of the patio hangar or tie-down;

b. Aircraft preventative maintenance, but only minor repairs to aircraft specifically identified in a valid agreement between the town and the tenant of the patio hangar or tie-down.

(2) In connection with patio hangars and tie-downs:

a. Aircraft parked in a patio hangar or tie-down space shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

b. Minor repairs to an aircraft within a patio hangar or in a tie-down space shall be performed by certified maintenance personnel, provided the

same is performed within the confines of the patio hangar or tie-down space and does not interfere with the operation of adjacent tenants. Major repairs within a patio hangar or tie-down space are prohibited.

c. All flammable and/or combustible fluids shall be properly stored in approved containers and fire proof cabinets. The storage of such material shall be limited to a total of 5 gallons.

(3) Except as may be otherwise authorized in an applicable lease, any construction that involves moving walls or changing the structure of a patio hangar must be approved in writing by the Airport Director.

(4) A patio hangar and tied downs are subject to annual and periodic inspections by the Airport Director and the town fire department to determine compliance with all laws, ordinances, codes, rules, regulations, and standards.

Section 14-70. Aircraft Washing.

Aircraft washing may only take place inside hangar areas with floor drains discharging to the treated sewage system, on paved non-movement areas within the air operations area, or on a specially designated aircraft washing area ("aircraft washrack"). Aircraft washing conducted on paved non-movement areas must be accomplished without the use of soaps, detergents, solvents, or de-greasers and must be conducted using a low-pressure, non-surfactant wash. Prior to washing an aircraft on a paved non-movement area, the area must be inspected for signs of pollutants (e.g., stained pavement or dead vegetation). If signs of pollution are discovered, the area must be properly cleaned before aircraft washing may commence.

Section 14-71. Storm Water Pollution Prevention.

All persons using or operating from the airport shall be familiar with and comply at their own expense with all requirements of the airport's storm water pollution prevention plan and spill prevention and countermeasure control plan, which includes, but is not limited to:

(a) Construction and maintenance of facilities and infrastructure (public or private).

(b) Application for a notice of intent or no exposure certification, annual training, preparation and implementation of procedures, certification of non-storm water discharges, collection and testing of storm water samples, implementation of good housekeeping measures and/or best management practices and maintenance of records.

(c) No person may discharge any non-permitted non-storm water discharges or hazardous materials onto the airport or its navigable waterways. Any person who discharges any hazardous materials must follow established spill response procedures and promptly abate, remediate and remove said hazardous materials.

Section 14-72. Smoking.

Smoking, lighting a match, and lighting a lighter are prohibited within the airport (a) within fifty (50) feet of any aircraft, fuel truck, or fuel storage area, (b) within two hundred feet (200) of the airport bulk storage fuel farm facility, and (c) in any hangar. No person shall possess a match, lighter or other flame-producing device within (a) within fifty (50) feet of any aircraft, fuel truck, or fuel storage area, (b) within two hundred feet (200) of the airport bulk storage fuel farm facility, and (c) in any hangar.

Sec. 14-73. Accident Reports.

Any person damaging any town-owned or leased improvements or land by operation of an aircraft, motor vehicle or otherwise shall immediately report the same to the Airport Director, but in any event not later than forty-eight (48) hours following such damage. Repair of such damage shall be ordered and accomplished by the Airport Director. The person responsible for said damage shall pay the town the full cost for repairs upon receipt of an invoice from the town.

Sec. 14-74. Interference with Aircraft.

No person shall (a) interfere or tamper with any aircraft, (b) put in motion the engine of any aircraft, or (c) use any aircraft, aircraft parts, instrument or tools, without the express permission of the aircraft owner or the owner' designated representative, or under the specific direction of the Airport Director in an emergency as determined by the Airport Director.