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ORDINANCE NO. 637

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 3, AIRPORTS, OF THE CODE OF THE CITY OF ABILENE, BY ADDING THERETO A NEW ARTICLE III, AIRPORT SERVICE FEE IMPOSING A FEE OF ONE DOLLAR (\$1.00) ON EACH PASSENGER ENPLANING COMMERCIAL AIRCRAFT FROM THE ABILENE MUNICIPAL AIRPORT TERMINAL; PROVIDING FOR THE COLLECTION THEREOF BY COMMON CARRIERS OF PASSENGERS BY AIRCRAFT; PROVIDING PROCEDURES FOR A PAYMENT AND 3 PERCENT (3%) DEDUCTION FOR ADMINISTRATIVE COSTS TO THE CARRIERS; PROVIDING FOR INSPECTION OF RECORDS; PROVIDING EXEMPTIONS; PROVIDING FOR PASSAGE; PROVIDING FOR A PUBLIC HEARING; AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART I: That Chapter 3, Airports, of the Abilene City Code is hereby amended by adding thereto a new Article III, Airport Service Fees, which shall read as follows:

Article III. Airport Service Fee.

Sec. 3-17.

Each person enplaning any commercial aircraft as a passenger (including non-revenue passengers on passes) on a scheduled or non-scheduled flight, including aircraft operated as an air transport line, air feeder line and charter services, which uses a take-off and landing facility at the Abilene Municipal Airport Terminal, whether in interstate or intrastate operations, shall pay a service fee of one dollar.

Sec. 3-18.

Each person, firm or corporation engaged at the Abilene Municipal Airport Terminal in the business of commercial carriers of passengers for hire by commercial aircraft, operating on scheduled or non-scheduled flights, including air transport lines, air feeder lines and charter services, hereinafter referred to as a "passenger carrier," who uses in connection with such business the take-off and landing facilities at the Abilene Municipal Airport Terminal, shall have the responsibility of collecting said service fee.

Sec. 3-19.

Each passenger carrier subject to the provisions of this Article shall file with the airport manager of the city, upon a form prescribed by him, on or before the 15th day of each month, a return showing the number of passengers for hire enplaning upon the aircraft of such passenger carrier at the Abilene Municipal Airport Terminal during the preceding calendar month, together with such other pertinent information as the said airport manager shall require. The passenger carrier shall remit with such return the service fees imposed hereby; providing, that if such fees are remitted by the date due as required above, the passenger carrier may retain three percent of the fees to defray the administrative costs of collection. If a passenger carrier is delinquent in the payment of such service fees for any one month, then any subsequent amount that becomes due by virtue of such service fees shall not be subject to the deduction for administrative costs until the delinquency is satisfied.

Sec. 3-20.

The City of Abilene, through its auditors or its duly authorized representatives, shall have authority at all reasonable times and upon oral notice, to inspect and audit the records of all passenger carriers with a respect to the service fees imposed hereby.

Sec. 3-21.

The service fee created hereby shall not apply to any passenger traveling on a through (no stop-over) ticket as defined in the Airline Local and Joint Passenger Rules Tariff, when the trip originated at a point other than the Abilene Municipal Airport. The service fee created hereby shall not apply to passengers of charter flights on aircraft owned and operated by the fixed base operators located at the Abilene Municipal Airport.

Sec. 3-22.

All revenue collected from said service fee shall be used for the purpose of defraying costs of debt, services, maintenance costs and the operation of the Abilene Municipal Airport.

Sec. 3-23.

Any passenger carrier who violates any of the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred dollars for each such violation.

PASSED AND APPROVED on first reading on this the 8th day of March,

A. D. 1973.

After said passage a notice of time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter News, the official newspaper of the City of Abilene, said publication being on the 12 day of March, A. D. 1973, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED AND APPROVED on its second and final reading this the 12


day of April, A. D. 1973.

ATTEST:


CITY SECRETARY

APPROVED:


MAYOR


CITY ATTORNEY