

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 33 OF THE CODE OF THE CITY OF ABILENE, TEXAS, 1957, AS AMENDED, BY DESIGNATING SECTION 33-1 THROUGH SECTION 33-20 AS "ARTICLE I. GENERAL REGULATIONS", AND ADDING THERETO "ARTICLE II. AIRPORT FEES", PROVIDING LANDING FEES FOR SCHEDULED COMMERCIAL AIR CARRIERS OF FIVE CENTS (\$.05) PER THOUSAND (1,000) POUNDS GROSS WEIGHT; PROVIDING FOR A DISCOUNT FOR VOLUME TRAFFIC; PROVIDING A METHOD OF PAYMENT OF FEES; PROVIDING FOR LANDING FEES FOR NON-SCHEDULED COMMERCIAL AIRCRAFT; PROVIDING THAT LANDING FEES SHALL BE EXCLUSIVE OF OTHER AIRPORT CHARGES; PROVIDING A RENTAL CHARGE OF TWENTY-ONE CENTS (\$.21) PER MONTH PER SQUARE FOOT FOR AIRPORT TERMINAL BUILDING SPACE; PROVIDING FOR ALLOCATION OF AIRPORT TERMINAL BUILDING SPACE; PROVIDING FOR A PUBLIC HEARING IN THE EVENT LANDING FEES OR SPACE RENTAL FEES SHOULD BE SOUGHT TO BE INCREASED; PROVIDING FOR PUBLICATION OF AIRPORT RULES AND REGULATIONS; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Abilene maintains and operates a municipal airport, including a terminal building, control tower, hangars, parking aprons, taxiways and runways, and deems it necessary in the public interest to impose certain fees for the use of said facilities in order to defray a portion of the expense of maintenance and operation; now, therefore,

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

TEXAS:

Section 1: That Chapter 33 of The Code of The City of Abilene, Texas, 1957, as amended, be, and the same is hereby further amended by designating Section 33-1 through Section 33-20 as "ARTICLE I. GENERAL REGULATIONS".

Section 2: That Chapter 33 of The Code of The City of Abilene, Texas, 1957, as amended, be, and the same is hereby further amended by adding a new article to be designated "ARTICLE II. AIRPORT FEES", which shall hereafter read as follows:

"ARTICLE II. AIRPORT FEES

"Sec. 33-21. Landing Fees, Scheduled Air Carriers.

"1. Every person, firm, corporation or other business association operating a scheduled commercial air carrier in and out of the Municipal Airport of the City of Abilene, Texas, shall pay a landing fee at the following prescribed rate for the use of the runway, taxiway and parking apron at the airport:

"Five cents (\$.05) per one thousand (1,000) pounds (or fraction thereof) of known gross weight of the aircraft, according to Manufacturer's data, said charge to be made for each scheduled trip arrival as that term is hereinafter defined.

By the term "Scheduled Commercial Air Carrier" is meant any aircraft operated for

hire in which a pilot is provided either for passenger or cargo purposes, operating on scheduled flights. By the term "Scheduled Trip Arrival" as used herein is meant each landing and take-off of one airplane according to the current official schedule of the air carrier. In the event the gross weight of any type or types of aircraft shall be restricted by Federal or City regulations to less than the Manufacturer's gross weight, then the landing fee shall be computed on the maximum weight allowed by such restrictions.

"2. Scheduled Commercial Air Carriers operating in and out of the Municipal Airport of the City of Abilene, as hereinabove defined, shall be entitled to a discount from the established landing fees in accordance with the following table of discounts:

"A. For the first eight million (8, 000, 000) pounds
of gross weight for each scheduled commercial
air carrier during a calendar month-----No discount

"B. For weight in excess of eight million (8, 000, 000)
pounds and less than sixteen million (16, 000, 000)
pounds of gross weight, for each scheduled
commercial air carrier during a calendar
month-----Ten Percent (10%) from
the established landing fee.

"C. For sixteen million (16, 000, 000) pounds or
more of gross weight for each scheduled
commercial air carrier during a calendar
month-----Fifteen Percent (15%) from
the established landing fee.

"3. The fees hereinabove provided shall be paid to the Chief Accounting Officer of the City of Abilene on or before the tenth (10th) day of each month in advance for the month then current. Fees shall be paid on the basis of either (a) all landings indicated in the schedule or time table of the scheduled commercial air carrier as of the first day of the calendar month or (b) the total number of actual revenue landings made during the calendar month, whichever is greater, it being the intention to exclude from the operation and scope of this provision non-revenue flights of the scheduled commercial air carrier. If, during a calendar month, any flight is added to the service of the scheduled commercial air carrier, an additional fee shall be payable covering the remaining portion of the calendar month, or, if a flight is discontinued, the air carrier, in making its next regular monthly payment of landing fees, may take credit for the over-payment resulting from the flight being taken off (or the City, at its option, may refund the over-payment directly to the air carrier involved).

"4. Each scheduled commercial air carrier shall on, or immediately prior to, the first day of each calendar month, furnish the Chief Accounting Officer of the City of Abilene and the Director of Aviation at the Municipal Airport a true copy of the schedule of flights then in effect, and shall, on the last day of the month or within five (5) days thereafter, furnish them a correct statement of flights added to or taken off the schedule during the month just passed and the date such changes were made, and a list of other landings and take-offs of its aircraft engaged in revenue flights.

"Sec. 33-22. Landing fees, Irregular or Non-Scheduled Commercial Aircraft.

"A landing fee of Five Dollars (\$5.00) shall be made for each flight of any non-scheduled commercial aircraft with a gross weight according to Manufacturer's data as hereinabove interpreted exceeding twelve thousand five hundred (12, 500) pounds, transporting either persons or cargo for hire; that is, the transportation for hire of persons, personal property, livestock, goods, wares or merchandise of any sort whatsoever. Such charge shall be paid immediately to the Director of Aviation

at the Municipal Airport upon the landing of said aircraft under such procedures as may be established by the Director of Aviation. The term "flight" as used herein means the landing and taking-off of one airplane (but not including tests or practice flights). The pilot shall park, load, unload and store in accordance with the rules of the Director of Aviation of the Municipal Airport, whose decisions shall be final.

"Sec. 33-23. Landing Fees exclusive of other charges.

"That the landing fees established in Sections 33-21 and 33-22 shall be exclusive of and in addition to such charges as are now or may hereafter be imposed for the parking, servicing or storage of aircraft at the Municipal Airport.

"Sec. 33-24. Rental of Air Terminal Building Space.

"That the fee for space within the Air Terminal Building at the Municipal Airport to commercial air carriers is established at twenty-one cents (\$.21) per month per square foot. Space shall include all the area utilized by the commercial air carrier in the conduct of its operations in the Terminal Building. Charges for the occupancy of such space shall be payable to the Chief Accounting Officer of the City of Abilene, by the air carrier occupying such space, in advance on or before the tenth (10th) day of each calendar month, providing that if the occupancy first begins during a calendar month, the charge for the pro rata portion of such calendar month still unexpired shall be payable within five (5) days after occupancy commences.

"Sec. 33-25. Space Allocation and Designation.

"The Director of Aviation of the Abilene Municipal Airport shall allocate and designate the space and facilities to be utilized by air carriers. Any air carrier renting or utilizing space within the terminal building at the Municipal Airport shall obtain the approval of the Director of Aviation prior to making any alterations to the building, installing signs or fixtures or in renovating the space rented. The premises shall be kept in a clean, neat, safe and sanitary condition at all times. In the event the air carrier should desire to abandon space within the airport terminal building, it shall give the Director of Aviation at the Municipal Airport thirty (30) days' advance written notice and shall restore the premises to be abandoned to a good and usable condition, natural deterioration only excepted. In the event two (2) or more air carriers desire space within the terminal building at the Municipal Airport, the Director of Aviation shall have the final authority as to which space shall be allocated to the air carriers and his decision shall be final. The Director of Aviation, however, shall give preference to the first air carrier to apply for space, or which at the time is occupying space in the terminal building. The Director of Aviation may require any air carrier to furnish a public liability insurance policy in such reasonable minimum amounts as he may determine, designating the City of Abilene as a co-insured to protect the City against claims or suits for personal injury or property damage. In case any air carrier should violate the provisions of Article II of Chapter 33 of The Code of The City of Abilene, 1957, as amended, or violate the rules and regulations of the Director of Aviation at the Municipal Airport, the Director of Aviation is authorized and empowered to require the removal of any air carrier from the Municipal Airport by giving thirty (30) days' notice thereof in writing to the local air carrier manager. Any air carrier so notified may appeal to the City Council of the City of Abilene for redress. No air carrier shall sublet or assign any space allocated to it by the Director of Aviation without the prior written approval of the Director of Aviation. Any air carrier abandoning space or facilities at the Municipal Airport may remove its equipment and fixtures not attached firmly to the terminal building or facilities, provided that there is no indebtedness on the part of the air carrier to the City of Abilene.

"In the event a commercial air carrier renting space in the Terminal Building at Municipal Airport shall become bankrupt or make a voluntary assignment for the benefit of creditors, or in the event a receiver should be appointed for a commercial air carrier, then the Director of Aviation shall notify said air carrier by certified mail that its occupancy of terminal facilities is terminated and after five (5) days of

the mailing of said notice, the Director of Aviation shall assume possession of all space occupied by said air carrier at Municipal Airport.

"Sec. 33-26. Public Hearing on Fee Increases.

"A public hearing shall be held prior to the final passage of any ordinance amendment to increase landing fees or space rental fees at the Municipal Airport, granting an air carrier utilizing the Municipal Airport facilities an opportunity to appear and be heard as to their position on the proposed increased rates.

"Sec. 33-27. Airport Rules and Regulations.

"The Director of Aviation shall cause his rules and regulations for the use of the Municipal Airport facilities and Terminal Building to be published and made available to the owners and operators of all aircraft and air carriers utilizing the Municipal Airport. These rules and regulations shall, furthermore, be posted in a prominent place in the Municipal Airport Terminal Building. "

Section 3: That if any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are declared to be severable.

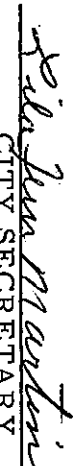
Section 4: That the fact that the scheduled commercial air carrier presently located at the Municipal Airport is abandoning flights to the Municipal Airport and a new scheduled commercial air carrier will commence service prior to the time readings of this ordinance could be had on two separate days, an emergency, to establish fees and charges prior to such commencement, exists creating a necessity for the immediate passage of this ordinance to preserve the public peace, health, safety and welfare and the reading of this ordinance on two separate days is hereby waived.

PASSED ON FIRST READING this 24th day of October, A. D. 1963.

PASSED ON SECOND AND FINAL READING this 24th day of October, A. D.

1963.

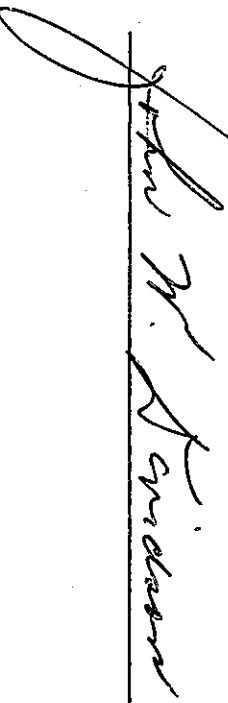
ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

JOHN W. DAVIDSON, City Attorney


JOHN W. DAVIDSON