

**ORDINANCE NO. 2019-03-02**

**AN ORDINANCE OF THE CITY OF ALPINE, TEXAS AMENDING ORDINANCE NO. 2016-11-01, RULES AND REGULATIONS FOR THE ALPINE CASPARIS MUNICIPAL AIRPORT, SECTION 1, "USE OF AIRPORT RESTRICTED," TO ADD CERTAIN REPORTING REQUIREMENTS FOR ANY PERSON USING THE AIRPORT FOR BUSINESS OR COMMERCIAL PURPOSES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alpine, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City previously adopted Ordinance No. 2011-11-92 which set forth the Rules and Regulations for use of the Alpine Casparis Municipal Airport; and

**WHEREAS**, Ordinance No. 2016-11-01 was previously adopted amending Section 1, "Use of Airport Restricted," of the Airport Rules and Regulations; and

**WHEREAS**, the City Council, upon recommendation of the Airport Advisory Board, now desires to further amend Section 1, "Use of Airport Restricted," of the Airport Rules and Regulations to add certain reporting requirements for those using the airport for business or commercial purposes; and

**WHEREAS**, the City Council has determined that this ordinance amendment is in the best interest of the citizens of the City of Alpine.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:**

**SECTION 1.**

That Section 1, "Use of Airport Restricted," of the Alpine Casparis Municipal Airport Ordinance, Rules and Regulations, be amended to read as follows:

**"Section 1. Use of Airport Restricted.**

Any person using the airport for business or commercial purposes shall report in writing to the City Council the name, tax ID, and description of the business or commercial entity. Any person using the airport shall follow and be subject to all City ordinances."

**SECTION 2.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Alpine, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

**SECTION 4.**

All rights and remedies of the City of Alpine are expressly saved as to any and all violations of the provisions any ordinances governing use of the airport that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00, as provided by Sec. 1-11 of the Code of Ordinances, City of Alpine, Texas. Each day a violation continues shall be deemed a separate offense.

**SECTION 6.**

The City Secretary of the City of Alpine is hereby directed to publish notice of adoption of this Ordinance as provided in Section 3.14 of the Charter.

**SECTION 7.**

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

**PASSED AND ADOPTED THIS 19<sup>th</sup> DAY OF March, 2019 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**March 5, 2019**

**SECOND AND FINAL READING**

**March 19, 2019**



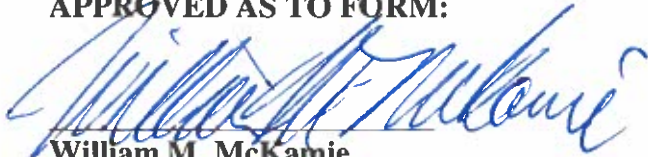
**Andres "Andy" Ramos,  
Mayor**

**ATTEST:**



**Cynthia Salas,  
City Secretary**

**APPROVED AS TO FORM:**



**William M. McKamie,  
City Attorney**

Alpine Casparis Municipal Airport Ordinance

No. 2016-11-01

Rules and Regulations

An Ordinance amending Ordinance No. 2011-11-02, Rules and Regulations for Alpine Casparis Municipal Airport, Section 1, Use of Airport Restricted.

Section 1. Use of Airport Restricted

Any person, partnership, firm, association, corporation or entity, incorporated or otherwise, shall use the Airport for aviation related purposes only.

Introduction and First Reading

November 15, 2016

Second and Final Reading

November 6<sup>th</sup>, 2016

Read, passed and adopted by a vote of the City Council of the City of Alpine, Texas on the 6<sup>th</sup> day of December, 2016.

Members voting Aye: 5 Members Voting Nay: 0

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Andres "Andy" Ramos, Mayor  
City of Alpine, Texas

Attest: Molly Taylor  
Molly Taylor, City Secretary  
City of Alpine, Texas

# Alpine Casparis Municipal Airport Ordinance

No. 2011-11-02

## Rules and Regulations

An ordinance/order providing rules and regulations for the efficient and safe operation of the Alpine Casparis Municipal Airport (hereinafter referred to as the "Airport"); and to provide the greatest service for the citizens of the Big Bend Area and the aviation public, is adopted by the City Council, providing enforcement by City of Alpine Code Enforcement or the Airport Manager (City Manager), and providing penalties for violations; all as authorized by the Texas Transportation Code Chapter 22 "County and Municipal Airports".

The definition of "Airport", "aircraft", "airplane", and other common terms used herein is as defined in Part 1, Code of Federal Regulations, Title 14, Aeronautics and Space. "Airport" with a capital refers to the specific airport for which these rules are adopted.

### Section 1. Use of Airport Restricted

No person, partnership, firm, association, corporation or entity, incorporated or otherwise, shall use the Airport for any commercial activity, unless approved by a written permit from the City Council. The Operator shall at all times comply with the Airport Rules and Regulations, federal, state and municipal laws, ordinances, codes, and other regulatory measures now in existence or, as may be hereafter modified or amended, applicable to the specific type of activity contemplated by operator. In addition, they shall procure and maintain during the term of the agreement all licenses, permits, and other similar authorizations required for the conduct of their business operations.

### Section 2. General Rules and Regulations

The following rules and regulations shall be observed in the use and operation of the Airport:

**Rule 2-1. Federal Air Traffic Rules** of the Federal Aviation Administration (FAA) for aircraft operated within the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.

**Rule 2-2. Safeguard of Persons and Property** – The Airport Manager shall at all times have authority to take all necessary and legal action to safeguard any person, aircraft, equipment, or property at the Airport.

**Rule 2-3. Through-the-Fence Operations Prohibited** – No private individual, partnership, FBO, company, or corporation shall be permitted direct ground access to the Airport by their aircraft, customers' aircraft, or private vehicle from property adjacent to or in the immediate vicinity of the Airport. Furthermore, no private individual, partnership, company, corporate, or customers' aircraft or vehicle shall be permitted direct ground access to property from the Airport – a practice commonly known as a "through-the-fence operation." Under extenuating circumstances, the City Council may

request approval from TxDOT Aviation Division for certain through-the-fence operations on a case by case basis.

**Rule 2-4. Lien for Charges** – To enforce the payment of any charge for repairs, improvements, storage, or care of any personal property by the City or its agents in connection with the operation of the Airport, the City may place a lien upon such personal property, which shall be enforceable as provided by law.

**Rule 2-5. Lien Possessory Right**- To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

**Rule 2-6. Unauthorized Signs and Equipment** – No signs, non-aeronautical equipment, portable buildings, or trailers may be erected, moved-in, or installed on Airport property, except as may be specifically authorized by the Airport Manager.

**Rule 2-7. Surreptitious Activities** – Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, local police, officers of the Texas Department of Public Safety, and the Transportation Security Administration General Aviation Information Hotline at 1-866-GA-SECUR(E) or 1-866-427-3287.

**Rule 2-8. Wrecked Aircraft** – Every aircraft owner, his/her pilot or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.

**Rule 2-9. Repairs to Aircraft** – No aircraft shall be repaired on any part of the landing or takeoff area. All outside repairs shall be made only at places designated by the Airport Manager for such purpose. Major engine, airframe, or avionics repairs shall be conducted by a properly licensed mechanic or other person authorized by the FAA within a hangar or building rented, leased, or owned for such commercial purposes. Any preventative maintenance authorized by FAR Part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased or owned by that aircraft owner or operator or at places designated by the Airport Manager for such purpose.

**Rule 2-10. Damage to Airport** – Any person, individual, or corporation or the owner of any aircraft causing damage of any kind to the Airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefore in and to the City.

**Rule 2-11. Injury to Person** – Persons entering the Airport groundside property by automobile, other vehicular conveyance, or on foot (does not include persons in aircraft using approved airside facilities) do so at their own risk and with no liability incurring to the City for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all laws, ordinances, resolutions, orders, rules, and regulations promulgated and enforced by the City.

**Rule 2-12. Licensed Pilots** – Only aircraft with current and correct FAA Certificates of Registration and Airworthiness and persons holding valid and current airman and medical certificates issued or approved by the FAA, for those flight operations requiring medical certificates, shall be authorized to operate aircraft upon the Airport except as provided in this ordinance. This limitation shall not apply to students-in-training under licensed instructors or to public aircraft of the Federal government or of a State, Territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such

licensed aircraft. Ultralight aircraft operations will adhere to FAA rules as covered by AC 103-7 and CFR 14, Part 103.

**Rule 2-13. Registration** – Each person owning an aircraft based at the Airport, or any person based and receiving flight instruction toward an FAA rating at the Airport shall register at the office of the Airport Manager their name, address, telephone number, aircraft model, aircraft registration “N” number, and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

**Rule 2-14. Animals** - No person shall enter the Airport with a dog, cat, or other animal unless the animal is, and remains, restrained by a leash or properly confined as determined by the Airport Manager.

**Rule 2-15. Living Quarters** - No person (unless approved by City Council) may make permanent living quarters on Airport.

**Rule 2-16. Intoxicants and Narcotics Prohibited** – No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or fly in any aircraft to or from the Airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

**Rule 2-17. Foreign Objects** – No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

**Rule 2-18. Litter** - No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a privately owned, rented, or leased hangar / building, the Airport Manager shall notify the hangar / building owner, renter or lessee by registered letter to remove the offending litter. If within ten (10) work days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

### **Section 3. Ground Operations**

**Rule 3-1. Air, Ground & Vehicular Traffic** – No person shall operate a vehicle on the Airport except in accordance with the following rules, and all federal, state, and local law:

- A. All vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- B. No vehicle except ground service and emergency vehicles shall approach so close to any aircraft with running engine(s) as to create a hazard.
- C. All vehicles entering or exiting an operating Airport access gate shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of any other vehicle.

- D. For safe practice purposes, see [www.faa.gov/airports/runway\\_safety/vehicle](http://www.faa.gov/airports/runway_safety/vehicle), authorized ground vehicles must use appropriate lights like high beams, flashers, beacons and/or strobes to help aircrew see and avoid potential incursions on the operational taxiway and runway areas, especially during periods of reduced visibility and at night.
- E. Any vehicle authorized to access active runways should at a minimum be able to monitor the published CTAF frequency 122.8 or be able to communicate via UNICOM with traffic pattern and nearby operating aircraft.

**Rule 3-2. Speed Limits** - All vehicles shall be operated within the posted speed limits at the Airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour, unless posted otherwise.

#### **Section 4. Airport Security**

**Rule 4-1. Security** - The Transportation Security Administration publication "Security Guidelines for General Aviation Airports", Information Publication A-001 dated May 2004, is available for reference at their website - [www.tsa.gov/](http://www.tsa.gov/).

This document is used by the Airport as a guideline for security on the Airport and is incorporated as a working document at the end of these Rules and Regulations. .

#### **Section 5. Aircraft Operation Rules**

##### **Rule 5-1. Aircraft Tie Downs**

- A. All aircraft not hangared shall be tied down and additionally should have the wheels chocked when remaining overnight and during inclement weather. Chocks will be provided by the Airport for pilots to use.
- B. All aircraft owners or their agents are responsible for the tie down or security of their aircraft at all times and particularly during inclement weather.

##### **Rule 5-2. Running Aircraft Engines**

- A. Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.
- B. No aircraft will be left running without a qualified person at the controls.
- C. No aircraft engine shall be started or run inside any building or hangar.



D. No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and groups of people.

**Rule 5-3. Damage to Airport Lighting** – Any person damaging any runway, ramp, or taxiway light or fixture by operation of aircraft or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in Section 10 of this order.

**Rule 5-4. Taxiing Aircraft**

A. No person shall taxi an aircraft until it is reasonably ascertained there will be no danger of collision with any person or object in the immediate area.

B. Aircraft will be taxied at a safe and prudent speed and in such manner as to be under the control of the pilot in command at all times.

C. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.

D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to take off or land will remain behind the runway holding position markings.

E. Aircraft shall not be taxied by engine power into or out of any hangar.

**Rule 5-5. Parking Aircraft**

A. Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, runway safety area, etc.) as described in FAA AC 150/5300-13 (latest change) and all aircraft not hangared shall be parked in the areas designated by the Airport Manager for that purpose.

B. Unattended or unoccupied aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.

C. Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.

D. It is the responsibility of the pilot in command when leaving a parked aircraft unattended to see that the brakes are set and / or it is properly chocked and / or tied down.

**Rule 5-6. Loading and Unloading Aircraft** – Loading or unloading aircraft with the engine running is prohibited. Exception will be approved by the Airport Manager.

**Rule 5-7. Authority to Suspend Operations** – The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

**Rule 5-8. Standard Traffic Pattern and Altitude, Non Towered Airports** – All flight activity will adhere to FAA Advisory Circular 90-66 (latest change) "Recommended Standard Traffic Patterns and Practices for Aeronautical Operations at Airports without Operating Control Towers"; also depicted in the Aeronautical Information Manual. Recommended traffic pattern altitudes are 1000 feet Above Ground Level (AGL) for piston powered airplanes and 1500 feet AGL for turbine powered airplanes. Helicopters will operate as to not obstruct the normal traffic pattern. The use of standard traffic patterns does not alter the responsibility of each pilot to see and avoid other aircraft.

**Rule 5-9. Clearing Public Right of Ways** – No aircraft shall takeoff or land in such manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, twenty-three (23) feet over a railroad, nor land or take off on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators. (Ref: FAR 77).

**Rule 5-10. Takeoffs on Other Than Runways** – Takeoffs or landings shall not be made on the apron, parking ramp, taxiway, or any area other than designated runways by airplanes, gyroplanes, powered lift, balloons, airships, ultralight, or light sport aircraft except by prearranged permission from the Airport Manager. Helicopters may operate to and from designated helicopter landing areas.

**Rule 5-11. Preferred Runway, Non-Towered Airport** - Pilot in command is responsible for coordinating a safe approach, entry, landing, take-off and departure in accordance with FAA Regulation 14 CFR, Part 91 sections 126 and 127.

**Rule 5-12. Agricultural Spraying Operations** – Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Ag operations shall be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Commission on Environmental Quality in an area so designated by the Airport Manager. Agricultural Spraying Operations shall coordinate with the Airport Manager to obtain a permit. Each Ag operator shall carry liability insurance in the amount of \$1,000,000 dollars, payable to the City for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator.

**Rule 5-13. Special Procedures, Parachuting**

**A.** The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows or aviation fly-ins, agricultural operations, gyroplanes, powered lift, gliders, balloons, airships, ultralights, and light sport aircraft in the weight shift control or powered parachute class. Any such change from standard procedures shall be published in the FAA's Airport / Facility Directory if of a permanent nature or the Airport Manager shall issue a NOTAM if such change is if a temporary nature. Permanent changes require filing through TxDOT Aviation Division to the FAA. Temporary closing of a portion of the airport for special events will be approved by the FAA, through TxDOT Aviation Division. See FAA Order 5190.6 (latest change).

**B.** Parachute descent onto the Airport property shall not be permitted without the recommendations of the City / Airport Advisory Board and the written approval of the City Council. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

**Rule 5-14. Model Aircraft** – Model aircraft not capable of carrying a person shall not be permitted to operate, take off or be launched from, flown over or land at the Airport

unless approved by a written permit through the Airport Manager. Model A/C operations for specific aeronautical events such as fly-ins or air shows may be approved for specific times by the City Council. Model Aircraft Clubs shall provide operating rules of the club.

## **Section 6. Fueling, Flammable Fluids, and Fire Safety**

### **Rule 6-1. Fueling Aircraft**

- A.** All aircraft fueling, fuel equipment, and procedures will be in accordance with Manual 407 – “Standard for Aircraft Fuel Servicing, 2007 edition,” (with latest amendments and/or revision) published by the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471, 800-344-3555, <http://catalog.nfpa.org>
- B.** All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the International Fire Code, 2000 Edition, (or current edition) as published by the International Code Council, Inc. and FAA Advisory Circular 150/5230-4, (latest change).
- C.** Aircraft shall be fueled clear of all hangers plus ground vehicles, buildings and other aircraft not directly part of the fueling operation by at least 50 feet.
- D.** Fueling trucks shall not be parked within any building or hangar or within 50 feet of any building, hangar, or parked aircraft, as determined by the local Fire Marshall. Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- E.** Aircraft fuel storage tanks for below-ground or above-ground use will be constructed and installed, registered as required, monitored for leakage, operated, and maintained in accordance with Federal and State statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Commission on Environmental Quality.
- F.** Aviation or auto fuels shall not be stored within a hangar or building except in approved five (5) gallon or smaller containers manufactured and marked for such purpose and only with the approval of the local Fire Marshal.
- G.** Persons or businesses wishing to dispense fuel into their privately owned aircraft shall not be denied; however, they must meet all reasonable requirements the City places on other fuel suppliers, public or private. Private fueling facilities located on leased or private property must be installed and the fuel dispensed in accordance with all rules applicable to aircraft fueling and fire safety contained herein.
- H.** Public sale of automobile gasoline for use in aircraft will not be permitted on the Airport without written approval of the Airport Manager. Aircraft authorized by the FAA to use auto gasoline may be privately fueled by the owner in a location designated by the Airport Manager in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.
- I.** All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, and aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel I.D. number, and “NO SMOKING” signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.

J. Fuel spills in excess of one gallon must be reported to the Airport Manager and immediate action taken by the spilling entity to clean up the spill in accordance with all local, state, and federal regulations

**Rule 6-2. Fuel Flowage Fee** - Any person, corporation, partnership, association, or business entity of any kind, or any person acting for or through them, including, but not limited to, any wholesale fuel distribution company, who delivers fuel to a fuel storage tank or who delivers fuel obtained from a source not on the Airport directly into any aircraft on the Airport must pay to the city the amount of \$.10 per gallon.

Payment to the City or FBO of all fuel flowage fees due must be made not later than the fifteenth (15th) day of the month following the date of the fuel delivery.

Payment of fuel flowage fees shall be accompanied by a report in a form approved by the Airport Manager that indicates the amount of fuel delivered to the airport during the preceding month.

Military and civilian aircraft conducting federal, state and/or local government directed operations are exempt from fuel flowage fees.

**Rule 6-3. Fire Safety**

A. Every person using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.

B. Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.

C. Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.

D. No flammable substance, except products specifically designed and marketed for such maintenance purposes, shall be used for the cleaning of any aircraft part or anything inside a hangar, T-hangar, or other building upon the Airport.

E. No one shall smoke or ignite a match or lighter in any building, hangar, or public ramp area except in posted "Designated Smoking Areas" identified by the Airport Manager.

F. Hangar entrances must be clear in a manner such that emergency or fire / rescue personnel and equipment can immediately access the hangar without hindrance.

G. The floors in all buildings shall be kept clean and free of oil. Volatile or flammable substances shall not be used to clean floors, walls or any portion of a hangar structure.

H. All Airport tenants and lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by applicable fire codes and regulations. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

**Section 7. Lease of Airport Property and Construction on Airport**

Hangars and other buildings or structures owned by the City may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment or to conduct a commercial Fixed Base Operation (FBO).

The City may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved Airport Master Plan/Airport Layout Plan and design guidelines. Aviation related use must be given priority in the use of all leased or privately owned property, buildings or structures. If the aviation needs of the Airport are sufficiently met, the City Council may authorize non-aviation use of any portion of the Airport or any building on the Airport on a case-by-case basis. Application of such non-aviation use shall be made to the City Council; and approval from TxDOT Aviation Division must be received prior to granting authorization for non-aviation use.

**Rule 7-1. Lease Term** --No lease of airport property or facilities shall be granted for a term exceeding (30) years. Non-aviation leases shall be reviewed on a case by case basis.

**Rule 7-2. Construction on Leased Property**

A. The FAA Form 7460-1, "Notice of Proposed Construction or Alteration," (or most current FAA approved form) will be completed for all construction and submitted to the airport manager to forward to TxDOT Aviation Division. TxDOT Aviation Division will review the form for completeness and accuracy, then forward to the FAA for the air space study. A favorable determination must be received from the FAA prior to any construction on the Airport. No hangar or structure may be erected beyond the building restriction line or in conflict with the approved Airport Layout or Development Plan.

B. All plans and specifications for construction, renovation, remodeling, or refurbishing of the leased premises shall meet all current Standard Fire and Building Codes published by the Southern Building Code Congress and the National Electrical Code, and shall provide for the construction to be from material satisfactory and acceptable to the City Council. All construction must be of a compatible standard capable of withstanding winds of (a wind load rating applicable to airport location) mph, with doors open or closed.

C. The City Council/Airport Advisory Board written approval of the plans and specifications and a construction permit must be obtained prior to construction of the improvements.

D. Construction must begin within one hundred twenty (120) days after the effective date of the lease or final comment from TxDOT and the FAA for the filed air space study as required by FAR Part 77, whichever date is later. Construction must be substantially completed within one hundred eighty (180) days from start of construction. Projects anticipated to exceed 180 construction days require approval of the Airport Manager. The Improvements on the leased premises shall remain the tenant's property until expiration or termination of the lease and its covenants or as otherwise agreed to in the contract between the City Council and the tenant.

E. Any privately owned structure or hangar not in use for aviation purposes, such as housing non-aviation storage or occupancy, for a period in excess of ninety (90) days, or not available for lease or sublease for aviation purposes, unless so authorized for non-aviation uses by the City Council, after due notice to the owner will subject the structure or hangar to condemnation proceedings and any cost for city services shall be at the owner's expense.

F. Leased land from which any building, hangar, or structure is removed, after due notice will be cleared, cleaned, and put back in its original or acceptable condition.

**Rule 7-3. Assignment and Sub-letting** – Without the prior written consent of City Council, the leased premises or any rights there under (except to a leasehold mortgagee as herein provided) may not be assigned. Any assignment or subletting shall be expressly subject to all the terms and provisions of the original lease.

**Rule 7-4. Flying Clubs** - A Flying Club ("Club") shall meet the following standards: in accordance with the FAA's Airport Compliance Manual, order 5190.6B, chapter 10.6

**A.** At the time of applying for a lease, license, permit or agreement to operate at the Airport, the Club shall furnish the Airport Manager with a copy of its documents of organization; the Club's list of members, including names of officers and managers; evidence of required insurance; a description of all aircraft used; evidence that such aircraft are properly certificated; evidence of ownership of such aircraft; and any operating rules of the Club.

**B.** All aircraft used by the Club shall be owned by the Club or leased exclusively by written agreement to the Club, and all ownership or lease rights to such aircraft must be vested on a pro-rata basis in all of the Club's members. The property rights of the Club members shall be equal, and no part of any revenues received by the Club shall inure to the direct benefit of any member (e.g., by salary or bonus). The Club shall not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of its aircraft and facilities.

**C.** The Club's aircraft shall not be used by any person other than the Club's members and shall not be used by any person for hire, charter, or air taxi. Flight instruction may be given in Club aircraft.

**Rule 7-5. Environmental Issues and Indemnification** - Any tenant of the Airport, its agents, employees, independent contractors, or sub lessee shall not install, store, use, treat, transport or dispose of any:

**A.** Asbestos in any form

**B.** Urea formaldehyde foam insulation.

**C.** Transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of 50 parts per million; or

**D.** Any other chemical, material, air pollutant, toxic pollutant, waste, or substance which is regulated as toxic or hazardous or exposure to which is prohibited, limited or regulated by the Resource Conservation Recovery Act, the Comprehensive and Environmental Response Compensation and Liability Act, the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, and/or the Clean Water Act or any other federal, state, county, regional, local or other governmental authority or which, even if not so regulated, may or could pose a hazard to the health and safety of the occupants of the Leased Premises, and which is either:

1. in amounts in excess of that permitted or deemed safe under applicable law;

2. or in any manner which is prohibited or deemed unsafe under applicable law. (The substances referred to in (A), (B), (C) or (D) are collectively referred to hereinafter as "Hazardous Materials").

**Rule 7-6. Environmental Cleanup Laws** – An Airport tenant will, at their own expense, comply with all existing or hereafter enacted laws relating to Hazardous

Materials (collectively, "Cleanup Laws") in effect at the time of the lease, and all future laws thereafter. An Airport tenant will, at their own expense, make all submissions to provide all information to, and comply with all requirements of the appropriate governmental authority (the "Authority") under the Cleanup Laws. Should any Authority require that a cleanup plan be prepared and that a cleanup be undertaken because of the existence of Hazardous Materials which were installed, stored, used, treated, transported, disposed of or discharged on the leased premises, by an airport tenant, its agents, employees, independent contractors or sub lessees during the term of a lease, the Airport tenant will prepare and submit the required plans and financial assurances in accordance with such Cleanup Laws. The Airport shall be indemnified and held harmless from and against all obligations, damages, injunctions, fines, penalties, demands, claims, costs, expenses, actions, liabilities, suits, proceedings and losses of whatever nature (including, without limitation, attorneys' fees and court costs), and all cleanup or removal costs and all actions of any kind arising out of or in any way connected with the installation, storage, use, treatment, transporting, disposal or discharge of Hazardous Materials in or on the leased premises by an Airport tenant.

**Rule 7-7. Environmental Notices** – An Airport tenant shall promptly supply the City Council with copies of any notices, correspondence and submissions made or received from any governmental authorities of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, or any other local, state or federal authority that requires submission of any information concerning environmental matters or Hazardous Materials.

**Rule 7-8. Environmental Survival** – An Airport tenant's liability pursuant to any environmental issue shall survive the expiration or earlier termination of their lease.

**Rule 7-9. Storm Water Compliance**

**A.** The Airport is subject to federal storm water regulations, 40 C.F.R. Part 122 for "vehicle maintenance shops" (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations and/or deicing operations that occur at the Airport as defined in these regulations and, if applicable, state storm water regulations. Each Airport tenant shall become familiar with these storm water regulations if it conducts "vehicle maintenance" or operates equipment cleaning operations and/or deicing activities as defined in the federal storm water regulations.

**B.** The City shall take steps necessary to apply for or obtain a storm water discharge permit as required by the applicable federal and/or state regulations, including the leased property occupied or operated by an Airport tenant. A storm water discharge permit issued to the City may name an Airport tenant as a co-permittee.

**C.** An Airport tenant's close cooperation is necessary to ensure compliance with any storm water discharge permit terms and conditions, as well as to ensure safety and to minimize costs. An Airport tenant may have to implement and maintain "Best Management Practices" to minimize the exposure of storm water (and snow melt) to "significant materials" generated, stored, handled or otherwise used as defined in the federal storm water regulations.

**D.** The City's storm water discharge permit is incorporated by reference into each lease and any subsequent renewals.

E. The City will provide an Airport tenant with a written notice of those storm water discharge permit requirements that are in the City's storm water permit, that a tenant will be obligated to perform from time to time, including, but not limited to:

1. certification of non-storm water discharges;
2. collection of storm water samples
3. preparation of storm water pollution prevention or similar plans
4. implementation of "good housekeeping" measures or best management practices; and maintenance of necessary records.

Such written notice shall include applicable deadlines and an opportunity to dispute any of the storm water discharge permit requirements.

F. Each Airport tenant shall participate in any organized task force or other work group established to coordinate storm water activities of the Airport.

**Rule 7-10. Non Discrimination Covenants**

A. Each lease will include as a covenant running with the land to insure that:

1. no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased property;
2. that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex or national origin, shall be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination.

B. The right to conduct aeronautical activities for furnishing services to the public is granted to an Airport tenant subject to the agreement:

1. To furnish said services on a fair, equal and not unjustly discriminatory basis to all users.
2. To charge fair, reasonable, and not unjustly discriminatory prices for each unit or service provided an allowance may be made to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

**Rule 7-11. Insurance (Additional Requirements)** – The City shall not be liable to an Airport Tenant's, employees, agents, servants, customers, invitees, or to any other person whomsoever, for any injury to persons or damages to property on or about the leased premises or any adjacent areas owned by the City.

A. Tenant shall maintain an insurance policy for liability on Tenant property that is agreeable to the City.

B. Tenant agrees to save and hold harmless the City and its agents, contractors, and employees of any and all liabilities, expenses, causes of action, damages, and /or attorney's fees suffered or incurred by the City resulting from or as a result of Tenant's occupancy, or use of the land or airport from any act or omission of City's agents, contractors, or employees.

**Rule 7-12. Hold Harmless** – The City shall not be liable to an Airport tenant's employees, agents, servants, customers, invitees, or to any other person whomsoever, for any injury to persons or damages to property on or about the leased premises or any adjacent area owned by the City.



**Section 8. Knowledge of Rules Implied**

By publication and adoption of this ordinance, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the ordinance / order posted in paper or electronically, where appropriate. Copies shall be available at all times in the Airport Manager's office, and copies shall be furnished to all owners and operators of aircraft based at the airport.

**Section 9. Conflict of Rules and Regulations**

If and where there are conflicts in the rules and regulations prescribed herein and the FAA's Federal Aviation Regulations (FAR), the latter shall prevail. If and where there exists a conflict between any of the rules or regulations prescribed herein and any other City rules applicable to the same area, the more stringent limitation, or requirement shall govern and prevail.

**Section 10. Penalty for Violation**

The Airport Manager may deny use of the Airport for a period not exceeding fifteen (15) days for any person violating or refusing to comply with any of the rules or regulations prescribed herein pending a hearing by the City Council. Upon such hearing, such person may be deprived of the further use of the Airport and its facilities for a period of time as may appear necessary for the protection of life and property. Any violation of this ordinance shall be a misdemeanor, and upon conviction, be punishable by a fine not exceeding two-hundred (\$200) dollars, and each day a violation continues to exist shall constitute a separate offense. This section is cumulative of all other penalties for violation of Federal, State, and local laws, rules, regulations, ordinances, and orders. Citation for violation or issuance of a violation ticket of any of the rules and regulations prescribed herein may be made by any authorized police officer. The Airport Manager or City Council may request authorized police officers to investigate any suspected violation of these rules.

**Section 11. Severability**

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 12. Enactment**

Whereas, the operation of the provisions of this ordinance/order is necessary for the preservation of the public health, public safety, and general welfare, this ordinance shall be in full force and effect from and after its passage by the City Council of the City of Alpine, Texas and publication and posting as required by law.

Introduction and First Reading  
November 1<sup>st</sup>, 2011

Second and Final Reading  
November 15, 2011

Read, passed and adopted by a vote of the City Council of the City of Alpine, Texas on the 15<sup>th</sup> day of November, 2011.

Members voting Aye; 5 Members voting Nay; 0

Jerry Johnson  
Jerry Johnson, Mayor

City of Alpine, Texas

Attest: Molly Taylor

Molly Taylor, City Secretary of Alpine, Texas.

Approved to Form: Rod Ponton

Rod Ponton, City Attorney