

**ORDINANCE NO. 18-01-04-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, REPEAL AND REPLACE ARTICLE 9.500, AVIATION DEPARTMENT, OF CHAPTER 9, PERSONNEL, OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; PENALTY PROVISIONS; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS**, the City Council of the City of Lago Vista has previously established standards related to airport operations within Chapter 9, Article 9.500 of the Lago Vista Code of Ordinances; and

**WHEREAS**, Texas Department of Transportation (“TxDOT”) has encouraged all municipal airports to review and adopt regulations that incorporate provisions and standards directed from the Federal Aviation Association (“FAA”)

**WHEREAS**, the Airport Advisory Committee, the Rusty Allen Property Owners Association and several members of the City Staff reviewed the matter in a Public Meeting on December 13, 2017 concerning the ways the Ordinance should be modified; and

**WHEREAS**, the City Council finds that such revisions are prudent and consistent with current best practices.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. MODIFICATION.** The City Council of the City of Lago Vista, Texas, does hereby repeal and replace Chapter 9, Personnel, Article 9.500, Aviation Department, Code of Ordinances as shown in Exhibit “A.”

**SECTION 3. SAVINGS CLAUSE.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code* and the City's Charter.

**SECTION 6. PENALTY CLAUSE.** Any person, firm or corporation violating any of the provisions of this Ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Lago Vista, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500) for each offense; and each and every day said violation is continued shall constitute a separate offense. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Ordinance.

**SECTION 7. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

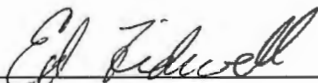
**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 4<sup>th</sup> day of January, 2018.

ATTEST:

  
Sandra Barton, City Secretary



  
Ed Tidwell, Mayor

On a motion by Councilman Sullivan, seconded by Councilman Weatherly, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

**CHAPTER 9**

**PERSONNEL**

**ARTICLE 9.500 AVIATION DEPARTMENT**

**Sec. 9.501 Purpose and Intent**

The purpose and intent of adopting this Chapter is to provide rules and regulations for the efficient and safe operation of the Airport; and to provide the greatest service for the citizens of the City and the aviation public. These regulations are adopted as authorized by the Texas Transportation Code Chapter 22.

The standards set out herein shall apply to all entities defined herein or as amended from time to time by the city. An entity, by operating on or from the airport, thereby consents to be bound by these standards.

By publication and adoption of this Article, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the Article printed and posted where appropriate at the Airport. Individual copies shall be available at all times in the office of the city secretary located at 5803 Thunderbird Street, Lago Vista, Texas, 78654, phone number 512/267-1155.

Federal Air Traffic Rules of the 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.

**Sec. 9.502 Definitions**

Unless otherwise provided herein, the following terms shall be defined in this article as follows:

*Aircraft.* An airplane, helicopter, or other machine capable of flight that needs an authorized operator seated inside of the machine to operate it.

*Airport.* Shall mean properties currently owned by or dedicated to the City for the purpose of operating the Lago Vista Rusty Allen Airport as included in the approved Airport Layout Plan (ALP), including but not limited to rights-of-way and easements.

*Airport Administrative Agency.* The Aviation Department is designated as the Airport Administrative Agency under Tex. Local Govt. Code, Ann., Section 241.

*Airport Manager.* Shall mean the City Manager or designee.

*Airport Zoning Commission.* Shall mean the City Planning and Zoning Commission, as created by the Charter of the City and defined in the Code of the City and under Tex. Local Govt. Code, Ann., Section 241.

*Airport Board of Adjustment.* Shall mean the City Board of Adjustment, as created and defined in the Code of the City and by under Tex. Local Govt. Code, Ann., Section 241.

*City.* Shall mean the City of Lago Vista, Texas.

*COMMON TRAFFIC ADVISORY FREQUENCY (CTAF)* - A designated frequency for the purpose of carrying out airport advisory practices while operating to or from an airport that does not have a control tower or an airport where the control tower is not operational. The CTAF is normally a UNICOM, MULTICOM, flight service station (FSS) frequency, or a tower frequency. CTAF will be identified in appropriate aeronautical publications.

*EPA.* Shall mean the United States Environmental Protection Agency.

*FAA.* Shall mean the Federal Aviation Administration of the United States Department of Transportation.

*IFC.* Shall mean the International Fire Code.

*NEC.* Shall mean the National Electrical Code.

*NFPA.* Shall mean the National Fire Protection Association.

*Person.* Shall mean any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.

*Pilot.* Shall mean any person possessing an FAA pilot's license, including a student pilot's license.

*POA* – Refers to the Rusty Allen Airport Property Owner's Association – a group composed of *all* the property owners at the Airport with TTF Airport access.

*Rotorcraft.* Shall mean a rotary-wing or blade aircraft, such as a helicopter, cyclocopters, autogyros, and *gyrodynes.*

*TCEQ.* Shall mean the Texas Commission on Environmental Quality.

*TSA.* Shall mean the United States Transportation Security Administration.

*TxDOT.* Shall mean the Texas Department of Transportation.

*UNICOM* - A nongovernment air/ground radio communication station which may provide airport information at public use airports.

*Vehicular Parking Space.* Means a properly marked and sized parking space in accordance with the City Zoning Code on an improved surface located on the Airport property.

### **Sec. 9.503 Establishment of Aviation Department**

There is hereby established an Aviation Department for the City of Lago Vista and the Department shall have such personnel as may be authorized in the annual budget of the City.

### **Sec. 9.504 Airport Manager**

The Aviation Department shall be headed by an Airport Manager to oversee the Department who shall be subject to the direction, supervision and oversight of the City Manager and operate such Department within the funds appropriated, budgeted and available for such purposes.

### **Sec. 9.505 Duties of Airport Manager**

- (A) Supervise and manage the development, construction, enlargement, improvement and policing of the Rusty Allen Airport, pursuant to plans approved by the City Council;
- (B) Maintain the City's buildings, grounds and equipment at the Airport;
- (C) Provide the day to day operations and management of the Airport;
- (D) Enforce the rules and regulations adopted by the City Council for the use and occupancy of the Airport;
- (E) In consultation with the City Manager, suspend or restrict any or all air or ground operations whenever he or she believes such action to be necessary and appropriate;
- (F) Facilitate communications and serve as a liaison between the Airport Advisory Board, the City Manager, and the City Council;
- (G) Perform other duties and responsibilities as directed by the City Manager;
- (H) After consultation with the City Manager, shall have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport;
- (I) In consultation with the City Manager, supervise and negotiate terms and recommend the approval of contracts and regulations for the use of any Airport owned property, including runways, taxiways, ramps, aprons, hangars, shops, administration and other buildings, and all other allied appurtenances and facilities, and the director shall supervise the operation thereof and may direct the landing, take-off, taxiing, or parking of aircraft and the vehicular and pedestrian circulation through the airport, and control ground facilities, vehicles and pedestrian traffic in and upon the airport; and
- (J) Issue and designate other entities the authority to issue a Notice to Airmen (NOTAM) in accordance with federal regulations.

### **Sec. 9.506 Required Airport Layout Plan (ALP)**

The Airport Manager shall have prepared and shall maintain a copy of the Airport Layout Plan (“ALP”) as approved by the City and TxDOT Aviation. The ALP shall provide for the orderly development and operation of the Airport. All development and activities concerning the use and operation of the Airport shall conform with the ALP.

### **Sec. 9.507 Non-Discrimination**

Public facilities at the Airport shall be open to all classes of users on a fair and nondiscriminatory basis. Persons using the Airport shall comply with all provisions of Federal and State law, as amended from time to time, as they pertain to discrimination and are hereby specifically prohibited from discrimination against any group or individual on the basis of age, genetics, race, religion, color, creed, national origin, gender identity, sexual orientation, sex, veteran status or disability.

### **Section 9.508 Damage to Airport**

Notwithstanding any clause or lease provision to the contrary, any person and the owner of any aircraft causing damage to any portion of the Airport or public property shall immediately report such damage to the Airport Manager. Persons causing damage as a result of negligent operation of an aircraft or willful acts shall be liable for damages either through compensation and/or fined, and/or charged criminally for the incident. The City may take whatever legal action is necessary to recover compensation for such damages.

### **Section 9.509 Injury to Person or Property**

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 valid laws, resolutions, orders, rules and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the conduct and operation of the Airport.

### **Sec. 9.510 Debris; Damaging Objects**

All owners of aircraft using the Airport for any reason shall keep and maintain the premises in a neat and orderly manner. No objects that may cause damage to an aircraft, including but not limited to, bottles, cans, loose nuts, bolts, or nails shall be left upon the floor of any building or upon any part of the surface area of the Airport. Every person using the Airport is encouraged to pick up any debris or damaging objects that they observe and place them in a trash receptacle.

### **Sec. 9.511 Litter**

No litter, including but not limited to, 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) business 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.

#### **Sec. 9.512 Maximum Aircraft Weight Limits**

All persons operating any aircraft are responsible for gathering appropriate airport information, specifically related to runway weight limits.

#### **Sec. 9.513 Establishment of User Fees**

The City may establish user fees for the use of the Airport by the public. These fees will be as stated within the Fee Ordinance as approved by the City Council. These fees shall be limited to: Overnight Tie down fees, contracted long-term tie down fees, Fuel flowage fees, and leases for City-owned hangars or Property.

#### **Sec. 9.514 Collection of User Fees**

Once the City establishes user fees in accordance with Section 9.512, the Airport Manager shall collect the user fees from the Airport.

### **ARTICLE 9.520 VEHICULAR OPERATIONS**

#### **Sec. 9.521 Ground Operations Generally**

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 or by any other authority having jurisdiction over the operation of the Airport.

#### **Sec. 9.522 Vehicles Requirements for Crossing Primary Landing Area**

- (A) Any ground vehicles desiring to cross the active Runway shall have the following equipment:
  - (1) An amber beacon that has the ability to flash in the four cardinal directions mounted permanently or magnetically; and
  - (2) A two-way radio inside the vehicle that has the ability to contact the appropriate CTAF/Unicom frequency associated with the Airport.
- (B) All ground vehicles crossing into and exiting the primary landing area shall radio their intentions in accordance with recommended FAA regulations for non-towered airports and have their beacon lights attached to the top of the vehicle and activated for the duration.

### **Sec. 9.523 Vehicular Requirements on Airport Property**

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) No vehicle shall operate in such a manner as to inhibit the taxiing of an aircraft.

### **Sec. 9.524 Vehicular Speed Limit**

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.

### **Sec. 9.525 Vehicular Traffic on Primary Landing Area**

Vehicular traffic is prohibited within the primary landing area except for emergency purposes, maintenance purposes, or crossing perpendicular to the runway in accordance with Sec. 9.522.

### **Sec. 9.526 Parking of Vehicles at the Airport**

- (A) Vehicles shall only park in areas designated as vehicular parking spaces on the Airport property (park means no licensed driver at the wheel for more than five (5) minutes) or within hangars on the Airport property. Authorized municipal vehicles, other governmental vehicles, and construction vehicles associated with an active Airport construction project are exempted from this requirement.
- (B) The Airport Manager may allow other vehicular parking for special events at the Airport.
- (C) Unattended vehicles should not be parked within 25' of any Airport taxiway center line.

### **Sec. 9.527 Intoxicants and Narcotics Prohibited**

No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or be a passenger in any vehicle on Airport property. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.



## **ARTICLE 9.540 AIRCRAFT OPERATIONS**

### **Sec. 9.541 Air Operations Generally**

Any person desiring to use the Airport shall observe and obey all laws, ordinances, resolutions, orders, rules, Advisory Circulars, Runway Incursions Prevention Best Practices, and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the operation of the Airport.

### **Sec. 9.542 Prohibition of Model Aircraft and Regulation of Drones**

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. All operators of drones at the Airport must abide by the FAA Advisory Circular Part 107 when operating a drone near or at the Rusty Allen Airport.

### **Sec. 9.543 Intoxicants and Narcotics Prohibited**

All persons operating Aircrafts shall abide specifically by Chapter 14 FAR 91.17.

### **Sec. 9.544 Aircraft Speed Limit**

Refer to Chapter 14 FAR 91.13.

### **Sec. 9.545 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. The aircraft owner will be responsible for any cost incurred for aircraft removal and for damages to the airport facilities. Aircraft owners, pilots or their agents shall promptly repair or remove wrecked or disabled aircraft from the Airport. Aircraft not repaired or removed within 30 calendar days of notification by the Airport Manager may subject the aircraft to disposal by the City.

### **Sec. 9.546 Repairs to Aircraft**

Except for emergency repairs, no aircraft shall be repaired on any part of the Airport property. Any repairs and preventative maintenance taking more than a few hours shall be within a hangar or building rented, leased, or owned for such purpose. The owner or operator of any aircraft needing emergency repairs shall contact the Airport Manager as soon as possible or within forty-eight (48) hours, whichever is less. The Airport Manager reserves the right to require emergency repairs taking longer than forty-eight hours to be moved to a hangar or other area designated by the Airport Manager.

### **Sec. 9.547 Regulation, Parking, & Fees on Aircraft Tie-Downs**

- (A) All aircraft not hangered shall be tied down and additionally shall have the wheels chocked when remaining overnight and during inclement weather.

- (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. The owner, pilot, or agent shall be responsible for securing tie-down chains and/or ropes suitable for the aircraft.
- (C) Aircraft parked on the transient apron shall pay a tie down fee per the Fee Ordinance.
- (D) Aircraft shall not be stored for more than seven (7) consecutive days or for more than fifteen (15) days in any month unless the owner of said aircraft has entered into a lease agreement with the City. All leases shall be initiated through the execution of a signed lease agreement, signed by the lessee, and shall be leased on a monthly basis which will automatically renew monthly and be in effect from month to month until such time the lease is terminated. Either party may terminate this agreement on 30 days written notice, without cause.

**Sec. 9.548 Parking of Aircraft on Other Areas of the Airport**

- (A) No part of any aircraft shall be parked at any time within the hold line (100 feet of the centerline of the runway).
- (B) No aircraft shall be parked in such a manner as to inhibit the taxiing of or normal movement of an aircraft (parked means no qualified operator at the controls for more than five (5) minutes).
- (C) Parking is allowed on Lots 15, 22A-27A, 48, 49, 50, and 52 of the Lago Vista Bar-K Airport Subdivision as shown on the ALP; provided that no aircraft shall be parked so as to obstruct access to the aircraft fueling area and no aircraft may be parked in an existing taxiway.
- (D) The Airport Manager may allow parking in non-designated areas for special events at the Airport. It shall be the responsibility of the pilot, upon leaving a parked aircraft, to properly chock the wheels or tie down the aircraft. All transient aircraft shall pay a fee, per the Fee Ordinance, for parking. Aircraft may be parked and tied down on designated unimproved surfaces including grass.
- (E) Every aircraft owner, pilot or agent shall be responsible for ensuring that all aircraft parked or stored on Airport property is in flight worthy condition except for short term maintenance or repairs of not more than 30 days. Anything after 30 days will require a request from the City for an extension of time.

**Sec. 9.549 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 engine shall be started or run inside any building or hangar.
- (C) 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.

**Sec. 9.550 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 taxi 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.

**Sec. 9.551 Loading & Unloading of Aircraft**

Refer to Chapter 14 FAR 91.13.

**Sec. 9.552 Standard Traffic Pattern and Altitude**

All flight activity will adhere to FAA Advisory Circular 90-66.

**Sec. 9.553 Minimum Safe Altitudes**

Refer to Chapter 14 FAR 91.119.

**Sec. 9.554 Takeoffs on Other than Runways, Prohibited**

No fixed wing takeoffs or landings shall be made on the apron, automobile parking areas, parking ramp, or taxiway, except by special permission of the Airport Manager. Rotorcraft or other types of flying crafts (e.g. balloons, airships, etc.) shall operate only to and from areas designated landing areas by the Airport Manager.

**Sec. 9.555 Preferred Runway for Takeoffs and Landings**

If the winds are calm or at a ninety (90) degree crosswind to Runway15, the preferred take-off and landing runway is 15.

## **ARTICLE 9.570 PROCEDURES FOR USE OF AIRPORT**

### **Sec. 9.571 Commercial Use of Airport**

No person may conduct any commercial aviation activity, offer any goods or services for compensation, or provide any goods or services for compensation to the public at the Airport unless such person is duly licensed and in compliance with all requirements of the FAA and this article and receives proper permitting from the City.

### **Sec. 9.572 Prohibition of Living Quarters on Airport Property.**

No person may make permanent living quarters on Airport property.

### **Sec. 9.573 Through the Fence (TTF) Agreement**

- (A) No person shall be permitted direct ground access to the Airport property from privately owned property for their or other's aircraft without a Through the Fence ("TTF") Agreement in place as approved by the City Council and the person or with the City Council and the Property Owners Association ("POA"). Should the Agreement be through the POA, the City reserves the right to audit the POA records to ensure that all TTF Agreements are properly executed and valid with the individual POA members. Access to Airport property may not be unreasonably withheld from any POA member in good standing with the POA.
  
- (B) The TTF agreement may be transmitted to TXDOT Aviation for their review before the Council considers the agreement, if deemed necessary.

### **Sec. 9.574 Registration of Aircraft**

Each person owning an aircraft based on City-owned property at the Airport, on privately owned property adjacent to the Airport covered by a through-the-fence access agreement with the City, 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, valid aircraft registration "N" number, or make and model of aircraft for those aircraft not requiring registration (ultralight), and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

### **Sec. 9.575 Licensed Pilots**

Refer to Chapter 49 CFR 61

### **Sec. 9.576 Special Procedures, Parachuting**

- (A) The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as rotorcrafts, 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; the Airport Manager shall issue a NOTAM if such change is of a temporary nature. Permanent changes require filing through TXDOT Aviation Division. Temporary closing of a portion of the airport for special events will be approved by the Airport Manager.

- (B) Parachute descent onto the Airport property shall not be permitted without the approval of the Airport Manager. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

### **Sec. 9.577 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 (EPA) and the Texas Commission on Environmental Quality (TCEQ) in an area so designated by the Airport Manager. Because of the possible hazards of such operation, the Airport shall require each agricultural spray operator to post a bond in accordance with Article 9.581.

### **Sec. 9.578 Insurance**

An Airport tenant, which includes individuals or entities on privately owned property adjacent to the Airport covered by a through-the-fence access agreement with the City, shall during the term of lease maintain at their cost and expense insurance relating to the leased premises as follows:

- (A) Insurance against loss or damage to improvements by fire, lightning, and other risks included under standard extended coverage policies.
- (B) General public liability insurance against claims for bodily injury, death or property damage occurring on, in, or about the leased premises, such insurance to afford protection to City of not less than \$500,000.00 with respect to any one person, \$1,000,000.00 with respect to any one accident and not less than \$200,000.00 with respect to property damage.
- (C) Hangar keeper's liability insurance providing coverage for aircraft not owned by the tenant in the following limits: \$200,000.00 per aircraft and \$400,000.00 per occurrence on property damage to aircraft in the care, custody, or control of tenant. Tenants in hangars on private property are not subject to this requirement.
- (D) All such policies of insurance shall be issued by insurance companies acceptable to the City, shall name the City as an additional insured or loss payee, as the case may be, and

shall provide for at least ten (10) business days written notice prior to cancellation or modification.

#### **Sec. 9.579 Mandatory Bonding of Agricultural Spraying Operations**

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. This documentation must be provided to the City before the Airport Manager will allow operations at the Airport.

#### **Sec. 9.580 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.

#### **Sec. 9.581 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.

### **ARTICLE 9.590 FUEL, FLAMABLE FLUIDS, AND FIRE SAFETY**

#### **Sec. 9.591 Rules for Fuel on City-owned property (in General)**

- (A) All aircraft fueling, fuel equipment, and procedures will be in accordance with NFPA Manual 407 – “Standard for Aircraft Fuel Servicing, 2017 edition.”
- (B) All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the IFC as adopted by the City.
- (C) Fueling trucks shall not be parked within any building or hangar or within fifty (50) feet of any building, hangar, or parked aircraft, as determined by the local Fire Marshal. Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- (D) 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 EPA and the TCEQ.
- (E) 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.

- (F) 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.
- (G) 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 at the Airport. 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 (1) 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.
- (K) All aircraft shall have a proper electrical ground wire in place at all times when being serviced with fuel.

#### **Sec. 9.592 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 the amount set by City Council. 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 aircraft conducting operations which require fueling from U.S. Government facilities are exempt from fuel flowage fees.

#### **Sec. 9.593 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 shall be used for the cleaning of any aircraft part or anything inside a hangar, T-hangar, or other building at the Airport.
- (E) No one shall smoke or ignite a match or lighter in any building, hangar, or public ramp area at the Airport except in posted "Designated Smoking Areas" identified by the Airport Manager.
- (F) Airport and private 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 Airport buildings, Airport hangars, shall be kept clean and free of oil. Volatile or flammable substances shall not be used to clean floors, walls or any portion of an Airport or private hangar structure.
- (H) All Airport tenants and lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the City approved IFC. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

**Sec. 9.594 Exclusive Commercial Fuel Usage at Airport**

- (A) The City shall be the sole provider of selling fuel at the Airport, either directly or through a provider as approved by the City Council.
- (B) Non-Airport property hangars may have their own private fuel tanks in accordance with the regulations of this Chapter and use the fuel for their own purposes; however they cannot sell this fuel to other Airport users or to users that access the Airport in a TTF agreement.

**ARTICLE 9.5100 AIRPORT SECURITY**

**Sec. 9.5101 Security**



The TSA publication "Security Guidelines for General Aviation Airports", Information Publication A-001 dated May 2004 is hereby adopted as the document to be used by the Airport as a guideline to security on the Airport and is incorporated as a working document.

**Sec. 9.5102 Access Codes/Devices**

Persons who have been provided either a code or device for the purpose of obtaining access to the Airport through a controlled access gate shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

**ARTICLE 9.5110 LEASING OF AIRPORT PROPERTY & CONSTRUCTION ON AND NEAR AIRPORT PROPERTY**

**Sec. 9.5111 General Authority & Power of Airport Action Plan**

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 the approved Lago Vista Rusty Allen Airport Action Plan.

**Sec. 9.5112 Lease Term**

No lease of Airport property or facilities shall be granted for a term exceeding (20) years, however the initial term of a lease of Airport property or facility may exceed twenty (20) years but in no case more than forty (40) years if a loan or deed of trust lien is obtained expressly for construction of the facility which will become property of the City at the end of the lease term, free and clear of all liens and encumbrances. Non-aviation leases shall not exceed eighteen (18) months.

**Sec. 9.5113 Construction on Leased Airport Property or Private Property with a TTF Agreement at the Airport.**

- (A) As given in FAR part 77, the sponsor or sponsor's agent will file electronically with the FAA for any construction on or near the Airport a Form 7460. A determination of no objection must be received from the FAA prior to any construction on the Airport or lots that access the Airport with a TTF agreement. No hangar or structure may be erected beyond the building restriction line or in conflict with the approved Lago Vista Rusty Allen Airport Plan or the Airport Layout Plan.
- (B) All plans and specifications for construction, renovation, remodeling, or refurbishing of structures on Airport property shall meet all City approved ICC & NEC standards, City zoning regulations, and shall provide for the construction to be from material satisfactory and acceptable to the City. All construction must be of a compatible standard capable of withstanding winds as denoted in the City approved ICC with doors open or closed.
- (C) Construction on Airport property must begin within one hundred twenty (120) calendar 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) calendar days after the start of construction. Projects anticipated to exceed one hundred eighty (180) calendar 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 person.

- (D) Any privately owned structure or hangar not in use for aviation purposes on Airport property 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, must be removed after due notice to the owner in writing or the City Council will consider such structures or hangars abandoned and will seek title to such structure or hangar.
- (E) 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.

#### **Sec. 9.5114 Assignment and Sub-letting**

Without the prior written consent of the Airport Manager 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.

#### **Sec. 9.5115 Environmental Issues**

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; or
- (2) 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").

#### **Sec. 9.5116 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.

#### **Sec. 9.5117 Environmental Notices**

An Airport tenant shall promptly supply the Airport Manager with copies of any notices, correspondence, and submissions made or received from any local, state, or federal governmental authorities concerning environmental matters or Hazardous Materials.

#### **Sec. 9.5118 Environmental Survival**

An Airport tenant's liability pursuant to any environmental issue shall survive the expiration or earlier termination of their lease.

#### **Sec. 9.5119 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 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; or
  - (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.

#### **Sec. 9.5120 Non Discrimination Covenants**

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

- (A) No person on the grounds of race, color, religion, creed, genetics, sex, sexual preference, gender identity, national origin, age, protected veteran status or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased property; and
- (B) 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.

## **ARTICLE 9.5130 ENFORCEMENT & PENALTY**

### **Sec. 9.5131 Conflicts 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.