

ORDINANCE NO. _____

An ordinance amending Chapter 5, “Aircraft and Airports,” of the Dallas City Code; providing regulations for airports generally, transportation services at airports, customer facility charges, terminal and facility, and operations and security; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

“CHAPTER 5.

AIRCRAFT AND AIRPORTS.

ARTICLE I.

IN GENERAL.

SEC. 5-1. DEFINITIONS [~~“AIRPORT” DEFINED~~].

In this chapter, unless the context requires otherwise,

(1) AIR OPERATIONS AREA (AOA) means all areas contained within the airport perimeter fence at Love Field and Executive Airport, including the movement area, ramp areas, hangers, and other facilities.

(2) AIRCRAFT means a device that is used or intended to be used for flight in the air.

(3) AIRPORT means [~~“Airport” or “Municipal Airport” as used in this chapter, unless otherwise designated, includes both~~] Dallas Love Field, [~~and~~] Dallas Executive Airport, and the Dallas Vertiport.

(4) AIRPORT OFFICIAL means an employee of the department of aviation authorized by the director to enforce this chapter.

(5) AIRPORT USE AND LEASE AGREEMENT means an agreement dated on or after October 1, 2008 by and between the city and an owner or operator of a commercial aircraft that is allowed the use or lease of a gate at an airport terminal building.

(6) AVIATION FUEL means fuel used in aircraft.

(7) COMMERCIAL AIRCRAFT means any aircraft operated for passenger, cargo, or other for-hire purposes on scheduled or non-scheduled flights.

(8) COMMERCIAL PASSENGER SERVICE AIRCRAFT means any aircraft operated for scheduled passenger service to or from Dallas Love Field.

(9) DEPARTMENT OF AVIATION means the city department having the authority over the operations, maintenance, or any use of the city's airports or other property specifically designated by the city manager.

(10) DIRECTOR means the director of the department of aviation, including any subordinate specifically authorized to act on his behalf.

(11) FEDERAL AVIATION ADMINISTRATION (FAA) means the agency of the United States Department of Transportation, which regulates airports and aircraft operations as well as airspace issues.

(12) FIXED-BASE OPERATOR (FBO) means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation.

(13) GENERAL AVIATION AIRCRAFT means an aircraft that is not a commercial aircraft on scheduled or non-scheduled flights.

(14) INTERNATIONAL ARRIVAL means landing at Dallas Love Field after taking off from a location outside of the United States or a United States territory and using United States Customs and Border Protection services at Dallas Love Field.

(15) MOVEMENT AREA means runways, taxiways, and other areas of an airport that aircraft use for taxiing, takeoff, and landing, exclusive of loading ramps and parking areas, and that are used under the control of an airport traffic control tower.

(16) PERSON means any individual, partnership, corporation, or government entity.

(17) RESTRICTED AREA means any area in which the general public is not allowed as determined by the Director in writing or by verbal directive during an emergency.

(18) SELF-FUELING OPERATOR means a person dispensing aviation fuel to aircraft that he owns, leases from others, or manages for others under a contract.

(19) TRANSPORTATION SECURITY ADMINISTRATION (TSA) means the agency of the United States, within the Department of Homeland Security, that regulates airport and aircraft security.

SEC. 5-2. DEPARTMENT OF AVIATION CREATED.

(a) There is hereby created the department of aviation of the city of Dallas, the head of which shall be the director of aviation, who shall be appointed by the city manager. He shall be a person professionally competent by experience and training to manage the department.

(b) In addition to the director [~~of aviation~~], the organization of the department of aviation shall be comprised of assistant[s] directors and employees in positions formally authorized by appropriate action of the city council. Any person appointed to the position of assistant director [~~of aviation~~] shall have the powers and duties specifically assigned to him and also shall have authority to act in the capacity of director [~~of aviation~~]. The positions heretofore established, and the appointments thereto officially made, in order to provide personnel for the performance of the municipal functions required by this chapter, shall become positions and appointments in the department of aviation without any further official action. The civil service rules and regulations of the city shall apply to employees of the department of aviation.

SEC. 5-3. DIRECTOR OF AVIATION - DUTIES GENERALLY.

(a) The director [~~of aviation~~] shall devote his entire time to the duties of his office, becoming familiar with the operation of airports [~~and the proper reception of aircraft of all types, including helicopters~~]. He shall particularly familiarize himself with the fees, rates, and charges to be set [~~made~~] by the city council for the reception and care of aircraft and shall immediately recommend the same to the city manager, so that the proper fees, rates, and charges may be established [~~made~~] for the landing and servicing of aircraft, and shall make accurate reports to the city controller and the city manager of all monies handled and charges made by the city for the care and reception of aircraft. Such fees, rates, and charges [~~shall~~] include any required to support the general operation of the airport as approved [~~charges to be made for the use of hangars and all other charges which may be imposed~~] by the city council.

(b) The director [~~of aviation~~] shall be responsible for the care of all city property placed under his supervision, whether within the department of aviation or otherwise. From time to time, he shall establish [~~recommend~~] suitable rules to be observed by all entities and facilities operating upon airport property to ensure safe, reliable, and orderly operations [~~aircraft as well as all pilots operating aircraft at municipally owned airports under his supervision, and shall be particularly diligent in enforcing rules to avoid accidents. He shall become familiar with prices for all equipment and accessories which may be needed for the proper operation of the department of aviation, and shall recommend to the city such rules and regulations concerning the same as he may deem appropriate~~].

(c) The director [~~of aviation~~] shall exclusively manage, and may execute short term, month-to-month leases on, all functions, properties, and facilities situated on or having a relationship to any [~~municipally owned~~] airport, whether such properties and facilities are directly related to aviation activities or not, except that the exclusive management of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of d[~~D~~]irectors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas.

(d) The director [~~of aviation~~] shall be responsible for establishing policy the procedures and rules consistent with the safe and efficient operation, management, and maintenance of all airport facilities and equipment and for the enforcement of all ordinances, provisions, and rules governing airport operations [~~the administration, implementation, and enforcement of the city's transportation regulations~~].

SEC. 5-4. [~~SAME--~~] PROMULGATION OF RULES AND REGULATIONS.

The director [~~of aviation~~] is hereby authorized to promulgate rules and to supervise and direct the use, operation, and maintenance of all properties situated on or having relationship to any [~~municipally owned or maintained~~] airport, whether such properties are directly related to aviation activities or not, and in a manner that will provide the most efficient, safe, and economical use of the properties in serving the public interest; except that the supervision, operation, and maintenance of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of directors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas.

SEC. 5-5. [~~SAME--~~] AUTHORITY OVER PUBLIC AT AIRPORTS

The director [~~of aviation~~], and his authorized assistants, shall at all times have authority to take action as may be necessary in the handling, conduct, and management of the public in attendance at any [~~municipally owned or maintained~~] airport.

SEC. 5-6. [~~SAME--~~] AUTHORITY TO SUSPEND OPERATIONS.

[~~Except in the case of scheduled operations, t~~]The director [~~of aviation~~] shall have the authority to suspend operations on or from the airport when in his opinion conditions of the landing area or local meteorological conditions might make such operations unsafe.

SEC. 5-7. [~~SAME--~~] AUTHORITY TO REMOVE VIOLATORS FROM AIRPORT PREMISES.

Any person operating or handling any aircraft in violation of this chapter or refusing to comply therewith may be promptly removed or ejected from any [~~municipal~~] airport [~~in the city~~] by or under the authority of the director [~~of aviation~~], and upon the order of the city council, may

be deprived of the further use of any airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interests therein.

SEC. 5-8. COMPLIANCE WITH AIR COMMERCE REGULATIONS GENERALLY ~~[SAME -- REGULATION OF INTERNAL MANAGEMENT OF MUNICIPAL AIRPORTS].~~

No person may navigate any aircraft over, land upon, take off from, or service, maintain or repair any aircraft, or conduct any aircraft operations on or from an airport otherwise than in compliance with the federal aviation regulations of the Federal Aviation Administration or any other authority of the federal government. [The director of aviation shall issue rules and regulations for the internal management of any airport owned by the city that is operated by the department of aviation.]

SEC. 5-9. ~~[SAME--]~~ INTEREST IN SALES, ETC.

The director ~~[of aviation]~~ shall never be pecuniarily interested, directly or indirectly, in the sale of any aircraft, equipment, or accessories, or in any concessions of any kind serving the ~~[city's]~~ airports. Any violation of this provision may ~~[shall]~~ be grounds for his dismissal.

SEC. 5-10. ~~[SAME--]~~ ACCOUNTING FOR FUNDS RECEIVED.

The city controller shall prepare forms to be signed by the director ~~[of aviation]~~ for all moneys received and all charges made by him, which moneys carried on such forms shall be deposited in the official city depository to the credit of the particular airport fund involved.

SEC. 5-11. SOLICITING BUSINESS OR SELLING MERCHANDISE ON AIRPORT PROPERTY ~~[USE OF HYDROPLANES ON CITY PROPERTY].~~

It shall be unlawful for any person to solicit customers or patronage for himself or on behalf of any person or to sell any merchandise of any type or distribute advertising matter upon the premises of any airport, without authority of the director or the city council ~~[operate a hydroplane upon any reservoir or any lake belonging to under control of the city; provided however, that this section shall not apply to amphibian-type aircraft of any department of the federal government or of the State of Texas].~~

SEC. 5-12. AVIATION SCHOOLS GENERALLY ~~[USE OF DESIGNATED SPACES FOR REPAIRING AIRCRAFT].~~

No person shall use any airport as a place to conduct an aviation school, air college, or flying school unless it is officially recognized by the U. S. Department of Transportation, acting through the Federal Aviation Administration, and has first obtained a lease or permit from the city, or a sublease or permit from one of the city's tenants on the airport. The director shall have the authority to promulgate rules and regulations deemed appropriate for each airport at which such

training is conducted [make repairs to aircraft and engines on any municipal airport except in spaces designated for that purpose by the director of aviation].

**SEC. 5-13. AVIATION FUEL SALES; LICENSE FEES AND RATES
[DISPOSAL OF WRECKED AIRCRAFT].**

(a) Except as provided in Subsection (c), only fixed-base operators or self-fueling operators located at Dallas Love Field or Dallas Executive Airport who have received prior written permission from the director and paid the annual fee required under Paragraph (b)(1) may sell or dispense aviation fuel at those airports.

(b) A fixed-base operator or self-fueling operator selling or dispensing aviation fuel at Dallas Love Field or Dallas Executive Airport shall:

(1) pay to the city an annual fee of \$1,000, made in advance through the director;

(2) unless the report is filed by the operator's supplier, file with the director, before the tenth day of each month, a report of aviation fuel sold or dispensed during the preceding month; and

(3) unless payment is made by the operator's supplier, remit with the monthly sales report \$0.07 for each gallon of aviation fuel sold or dispensed during the preceding month.

(c) Section 5-13(b)(3) does not apply to a person selling aviation fuel to the owner or operator of an aircraft on which a landing fee is assessed at Dallas Love Field or Dallas Executive Airport. [The aircraft owner, his pilot or agent, shall be responsible for the prompt disposal of wrecked aircraft and the parts thereof to avoid all interference with field operations, unless directed to delay such action pending investigation of the accident.]

**SEC. 5-14. FEES CHARGED FOR COMMERCIAL AIRCRAFT [DIRECTION
OF AERIAL TRAFFIC AROUND AIRPORT].**

(a) Fees in the amounts determined pursuant to this section must be paid by owners or operators of all commercial aircraft landing at any airport's facilities for the purpose of taking off or landing aircraft.

(b) An owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay fees to the city in accordance with that agreement.

(c) An owner or operator of commercial aircraft that has not executed an airport use and lease agreement shall pay to the city the following fees per landing by a commercial aircraft, including scheduled and miscellaneous non-scheduled landings, whether revenue or non-revenue (except for test, inspection, or ferry flights for aircraft maintenance only). The fee for each 1,000 pounds of certified gross landing weight (determined according to the manufacturer's data) is 125

percent of the fee paid by an owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later.

(d) Within 10 days after the last day of each month, an owner or operator of commercial aircraft shall file with the director the following information:

- (1) the number of landings for the month by type of aircraft; and
- (2) the manufacturer's certificated gross landing weight for each type of aircraft.

(e) Fees required by this section are due and payable (without invoice from the city) within 10 days after the last day of each month and must be transmitted to the director together with the information required under Subsection (d). [The direction of aerial traffic around the outside of any municipal airport shall be counterclockwise while in flight at or below 1500 feet above the surface of the airport and within a three mile radius of the airport, unless otherwise authorized or directed by the Federal Aviation Administration. Any pilot who fails to observe this provision regarding the direction of aerial traffic shall be in violation of this section.]

SEC. 5-15. LANDING FEES FOR GENERAL AVIATION AIRCRAFT AT DALLAS LOVE FIELD.

(a) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft[: Every pilot of an aircraft entering the traffic pattern for the purpose of landing shall have established two-way radio communication with the airport control tower, and shall accomplish a turn of at least 90 degrees prior to beginning final approach, unless otherwise authorized by the airport control tower. The pilot of any aircraft that for any reason has not established two-way radio communication with the airport control tower or who cannot successfully maintain two-way radio communication with the airport control tower shall circle the airport in a counterclockwise direction for at least 180 degrees prior to the beginning of a final approach. When approaching the airport for landing, the pilot of any transport category aircraft and other aircraft of similar size shall enter the traffic pattern at 1500 feet above the surface of the airport, and shall maintain that altitude until in position to begin descent for landing. Any pilot of smaller aircraft shall enter the traffic pattern at an altitude of 1000 feet above the surface when at least three miles from the airport and shall maintain that altitude until he is in position to begin descent for landing. This landing procedure is applicable to every pilot of an aircraft approaching and landing at the airport unless he is instructed otherwise by the airport control tower].

(b) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement. [Dallas Executive Airport: Unless otherwise directed during the hours when the control tower is in operation, pilots shall land and take off only on the runway in the direction nearest indicated by the wind indicator. In calm wind conditions, landings and take-offs must be made toward the south on the N-S runway. A pilot approaching the airport who has any doubt as

~~to the traffic flow direction shall circle the airport at 1500 feet above the surface for an observation of the wind indicator. All aircraft entering the traffic pattern for the purpose of landing must enter at 800 feet above the surface of the airport at an angle of 45 degrees midway at the down wind leg. Any pilot entering the traffic pattern shall exercise extreme caution so as not to cause aircraft already in the pattern to deviate from their course. Any pilot finding it impractical to use the inner rectangular traffic pattern may enter the circular pattern of 800 feet above the surface at any point, but the pilot shall fly at least a 90 degree segment of the circular pattern for a base leg before landing. No pilot shall pass another aircraft in the traffic patterns. Any pilot who fails to observe the provisions hereof shall be in violation of this subsection.]~~

(c) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director shall determine the fee using an 80/20 formula, with 80 percent of the fee comprised of Dallas Love Field's operation and maintenance costs attributable to general aviation aircraft landings and 20 percent of the fee attributable to the general aviation aircraft's landed weight. The director shall, on an annual basis, review the fee and make a recommendation to the city council if the director determines the fee formula should be amended.

(d) An owner or operator of a general aviation aircraft shall submit the fees required by this section to the director of aviation in a timely manner.

SEC. 5-16. INTERNATIONAL ARRIVAL FEES [USE OF TWO-WAY RADIO].

(a) An owner or operator of an aircraft, other than a commercial passenger service aircraft, that makes an international arrival shall pay to the city the following fees per international arrival (based on the type of aircraft and the certificated maximum gross take-off weight of the aircraft, as determined according to the manufacturer's data):

<u>TYPE OF AIRCRAFT</u>	<u>FEE</u>
<u>Transport category (more than 100,000 pounds)</u>	<u>\$1,050</u>
<u>Large turbine (more than 40,000 to 100,000 pounds)</u>	<u>\$700</u>
<u>Medium turbine (12,500 to 40,000 pounds)</u>	<u>\$560</u>
<u>Light turbine (less than 12,500 pounds)</u>	<u>\$350</u>
<u>Twin engine reciprocal propeller</u>	<u>\$140</u>
<u>Single engine reciprocal propeller</u>	<u>\$105</u>

~~[Dallas Love Field: Any pilot landing, taking off or otherwise using Dallas Love Field Airport shall do so in an aircraft equipped with properly functioning two way radio, and he shall guard the appropriate Dallas Love Field control tower frequencies at all times while in flight at or below 1500 feet above the surface of the airport and while within the three mile radius of the airport. In the event that the pilot shall experience malfunctioning of the aircraft radio while in flight at or~~

~~below 1500 feet above the surface of the airport and within a three-mile radius of the airport, he will not be considered in violation of this regulation.]~~

(b) Fees required by this section are due and payable to the city within 10 days after the date of the invoice from the city detailing the fees owed. ~~[Dallas Executive Airport: During the hours when the control tower is in operation, any pilot landing, taking off, or otherwise using Dallas Executive Airport shall have properly functioning two-way radio equipment in the aircraft and follow the same procedure for the use of it as set forth in Subsection (a) of this section. At other times, any pilot shall circle the field not less than 180 degrees before landing and conform to the traffic pattern applicable in Section 5-15.]~~

SEC. 5-17. AUTHORIZATION FOR SPECIAL EVENTS ~~[RIGHT-OF-WAY GENERALLY]~~.

Upon approval of a special event or use permit, the director shall authorize events for the purpose of exhibition, educational purposes, or for photographer's work at the airport. ~~[The landing aircraft has the right of way over aircraft moving on the ground or taking off. Any pilot of an aircraft preparing for take-off shall keep a distance of at least 150 feet laterally from the edge of the runway unless otherwise instructed by the control tower. This shall not excuse any pilot landing, taking off, or taxiing from exercising due care and diligence.]~~

SEC. 5-18. TRESSPASSING UPON LANDING, TAKE-OFF, AND TAXIING AREAS ~~[LANDING DIRECTION]~~.

It shall be unlawful for any person to enter the landing, take-off, taxiing areas, or any other restricted areas at any airport unless the person has a lawful right or a legitimate reason, as determined by the director, to enter such areas. Restricted areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers in aircraft, employees of the city whose duty it is to perform services in connection with the maintenance and operation of the airport, and other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection, and operation of aircraft and the airport. ~~[All aircraft take-offs and landings by pilots shall be in the direction indicated by the airport wind direction indicator unless otherwise authorized by the airport control tower.]~~

SEC. 5-19. SALE OF PRODUCTS AT AIRPORTS; LICENSE OR PERMIT ~~[AUTHORIZATION FOR TAKE-OFFS]~~.

No person shall enter any airport for the purpose of offering for sale or selling any goods, wares, or merchandise unless he has first obtained the appropriate license or permit from the director.

~~[(a) Dallas Love Field: No pilot shall commence a take-off without receiving take-off clearance authority from the airport control tower. Pilots taking off from the same runway shall do so one at a time. Formation takeoffs involving more than one aircraft taking off simultaneously on the same runway are not permitted. After take-off, any pilot of an aircraft shall maintain runway~~

~~heading until reaching an altitude of 2000 feet above mean sea level unless otherwise instructed by the control tower.~~

~~(b) Dallas Executive Airport: The pilot of any aircraft that is taking off shall proceed straight ahead to an altitude of 400 feet above the surface, level off, and execute a 90 degree left turn when outside the airport boundary. Any pilot taking off who intends to remain in the outer traffic pattern due to inability to conform with the inside rectangular pattern shall continue to climb to traffic altitude of 800 feet above the surface after the first 90 degree turn to the left. Any pilot of an aircraft leaving the traffic pattern shall climb to the traffic altitude of 800 feet above the surface after the first 90 degree turn and leave the traffic pattern by performing a 45 degree turn to the right, or, if the aircraft has characteristics that make this procedure impractical, the pilot may depart the traffic pattern in a straight climb after take-off.]~~

SEC. 5-20. RESERVED. ~~[PARKING OF AIRCRAFT ON AIRPORT GROUND]~~

~~(a) No person shall park any aircraft at a municipal airport except in an area specifically designated for aircraft parking by the director of aviation. Under no circumstances shall any person park any aircraft closer to the edge of any taxiway than 50 feet or closer to the edge of any runway than 200 feet. Between sunset and sunrise, the owner or operator of any stationary aircraft which is parked in other than an officially designated overnight parking area shall have the navigation lights of the aircraft turned on at all times during said interval.~~

~~(b) Any person who parks an aircraft in an officially designated parking area shall do so in an orderly manner, and the pilot as well as the owner or operator of the aircraft shall have the responsibility to ascertain that the aircraft is properly secured and tied down.~~

~~(c) No person shall park an aircraft within 25 feet of any hydrant located within the boundaries of any municipal airport.~~

~~(d) No person shall park or leave overnight a disabled aircraft on any portion of the landing areas or taxiways at any municipal airport without authorization from an official in the department of aviation, and in such cases, the pilot, as well as the owner or operator, shall be responsible for adequate guarding and displaying adequate obstruction lights around the disabled aircraft, such lights to be visible through 360 degrees for 500 feet.]~~

ARTICLE II.

TRANSPORTATION SERVICES.

SEC. 5-21. DEFINITIONS ~~[TAKING OFF OVER HANGARS, ETC].~~

In this article, unless the context requires otherwise,

(1) AVI TAG means a nontransferable electronic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the department of aviation's

Transportation Regulation Division and may be used to charge trip fees for transportation services at the airport.

(2) CERTIFICATE OF REGISTRATION means a certificate authorizing a company to provide transportation services at the airport.

(3) CHARTERED BUS means a bus service for the transport of persons belonging to a specified group at the airport that is:

(A) offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin; and

(B) operated from locations within the city to locations either inside or outside of the city.

(4) CONCESSION CONTRACT means a contractual agreement between the city and another entity for car rental and/or parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for the services.

(5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.

(6) COURTESY VEHICLE SERVICE means free transportation to and from the airport for customers by or for a business as an accessory to the main activities of the business.

(7) DECAL means a distinct adhesive sticker issued under this article authorizing the operation of a courtesy vehicle and chartered bus.

(8) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation service vehicle.

(9) HOLDER means a person who has been granted a certificate of registration to operate a transportation service at the airport, and includes any person with an ownership interest in the transportation service.

(10) LAWFUL ORDER means a verbal or written directive issued by the director, or his appointee, in the performance of his official duties relative to the enforcement of this article and any rules or regulations promulgated under this article.

(11) OPERATE means:

(A) to be in the care, custody, or control of a transportation vehicle at the airport; or

(B) to own or be in control of a transportation service provided at the airport.

(12) OPERATING AUTHORITY means a person who is granted operating authority under Chapter 47A to provide transportation-for-hire services.

(13) OPERATOR means:

(A) the owner or driver of a transportation vehicle; or

(B) the holder of operating authority to perform transportation services at the airport.

(14) OWNER means a person:

(A) who is the legal owner of a motor vehicle;

(B) to whom a motor vehicle is registered by the state; or

(C) with whom a motor vehicle is in the care, custody, or control.

(15) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation under Chapter 47A.

(16) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(17) TRANSPORTATION SERVICE means a business that operates a courtesy vehicle, transportation-for-hire vehicle, or chartered bus at the airport for the purpose of dropping off or picking up passengers on airport property.

(18) TRANSPORTATION VEHICLE means a courtesy vehicle, transportation-for-hire vehicle, or chartered bus that is used for performing transportation service at the airport.

(19) TRIP means each time a transportation vehicle accesses the curb space where passengers are picked up or dropped off at the airport.

(20) TRIP FEE means the monetary amount charged per trip to the owner or operator of a transportation vehicle in accordance with Section 5-26. ~~[No pilot of any aircraft taking off from any municipal airport shall take off over any hangars or other buildings thereon, and shall take off only on paved runways unless otherwise authorized by the airport control tower or the director of aviation or one of his authorized assistants.]~~

SEC. 5-22. GENERAL AUTHORITY FOR REGULATION AND ENFORCEMENT ~~[TAXING].~~

(a) The director, through the Transportation Regulation Division, shall implement and enforce this article and may promulgate and enforce written rules and regulations consistent with this article governing the operation of transportation services at the airport as necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the transportation system at the airport. ~~[Dallas Love Field: The pilot of any aircraft in motion on the ground shall operate it at a safe and reasonable speed and in a manner so as not to endanger other aircraft, persons, or property.]~~

~~Every pilot of an aircraft shall guard the appropriate Dallas Love Field airport control tower frequency at all times while the aircraft is being operated on the airport.~~

~~Prior to taxiing onto or across any runway, every pilot of an aircraft on the airport, unless previously cleared to cross the runway by the control tower, shall hold behind the displayed “hold markings” until cleared to cross by the control tower.~~

~~All pilots of aircraft performing run-ups shall exercise caution to insure that their “prop blast” or “jet blast” is not blowing across active runways, taxiways or parking areas, or into other aircraft or hangars.~~

~~Helicopters in flight at altitudes of less than 100 feet within the boundaries of Dallas Love Field shall be considered taxiing aircraft, and the pilots thereof shall operate them with due regard for surface vehicles and persons on the ground and shall not fly them over buildings or aircraft on the surface.]~~

(b) The director, through the Transportation Regulation Division, may issue lawful orders and set and modify rules as necessary and consistent with this article. ~~[Dallas Executive Airport: Every pilot of an aircraft in motion on the ground shall taxi it at a safe and reasonable speed with due regard to other aircraft, persons, and property, which speed shall not exceed 20 miles per hour.]~~

~~While awaiting take-off, every pilot of an aircraft shall park at least 100 feet from the runway in use and in a position to allow direct view of aircraft approaching for landing. Pilots must complete all extensive engine run-ups before entering upon a runway for take-off position.]~~

SEC. 5-23. OFFENSES [USE OF WHEEL BLOCKS].

(a) A person commits an offense if he performs transportation services, operates a transportation vehicle, or as a holder, allows the operation of a transportation-for-hire vehicle or chartered bus at the airport without being authorized under:

- (1) a current, valid certificate of registration issued under Section 5-25;
- (2) a current, valid operating authority permit issued under Chapter 47A; or
- (3) a current, valid transportation network company registration with the Texas Department Licensing and Regulation.

(b) A person commits an offense if he operates a transportation-for-hire vehicle or chartered bus at the airport without:

(1) holding a current valid operating authority permit under Chapter 47A; or

(2) being named as the driver in a valid, open transportation network company's digital network as defined in the Texas Occupations Code, Chapter 2402, Subchapter A, as amended.

(c) A person commits an offense if he performs transportation services, operates a transportation vehicle, or as a holder, allows the operation of, a transportation vehicle without holding a current, valid AVI tag required under this article.

~~[Before starting the engine or engines of an aircraft, every pilot shall be responsible for the placement of blocks, equipped with ropes or other suitable means of pulling them, in front of the wheels, unless the aircraft has thoroughly adequate brakes.]~~

SEC. 5-24. DEFENSES ~~[ONLY PILOT OR COMPETENT MECHANIC TO RUN ENGINE]~~.

It is a defense to prosecution under this article that a motor vehicle was owned, operated, or leased by:

(1) a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(2) a fixed-based operator and being used to transport employees or customers at the airport; or

(3) the federal or state government or a political subdivision of the state;

(4) a school, university, organ donor company, medical service provider, or ambulance service; or

(5) a vehicle operating as a Dallas Area Rapid Transit ("DART") vehicle. ~~[No person shall start or run aircraft engine other than a licensed pilot or a competent mechanic in the cockpit attending the controls.]~~

SEC. 5-25. REGISTRATION OF TRANSPORTATION SERVICES ~~[MAINTENANCE RUN-UPS]~~.

(a) Registration.

(1) To obtain a transportation service certificate of registration, a person must submit a registration application to the Transportation Regulation Division on a form provided for that purpose. The applicant must be the person who will own or operate the proposed transportation service.

(2) The registration application must include or be accompanied by:

(A) the name, address, and verified signature of the applicant;

(B) a description of each motor vehicle the applicant proposes to use in the operation of the transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;

(C) the full name and driver's license number of every individual expected to drive or operate a transportation vehicle at the airport under the registration;

(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the transportation service;

(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation vehicle to be operated at the airport;

(F) proof showing the purchase or authorized use of a valid AVI tag for each transportation vehicle to be operated at the airport;

(G) an annual decal and certificate of registration fees in the amount specified in Section 5-26 of this article for each transportation vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and

(H) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform transportation service at the airport.

(3) Upon receipt of a registration application, the Transportation Regulation Division shall issue a certificate of registration to the applicant, unless it is determined that the applicant:

(A) failed to submit a complete registration application;

(B) made a false statement as to a material matter on, or in connection with, the registration application;

(C) failed to pay any fee required by this article relating to the operation of transportation services at the airport.

(4) If the director approves the registration application, the applicant will receive a transportation service certificate of registration and a decal, if applicable, for each vehicle authorized to be operated by the transportation service.

(5) If the Transportation Regulation Division denies a renewal of a transportation service certificate of registration, the applicant, holder, or transportation vehicle operator, shall immediately cease any transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform transportation services at the airport.

(6) If the director determines that an application or renewal should be denied, the Transportation Regulation Division shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of their right to appeal.

(b) Expiration of registration. Certificate of registration and decals expire at 11:59 p.m. on December 31 of each year and must be renewed in accordance with the application procedures set forth in this section.

(c) Suspension and revocation of registration.

(1) The Transportation Regulation Division may suspend a certificate of registration of a transportation service for a period not to exceed 60 days for failure to comply with requirements in this article. The Transportation Regulation Division may apply the suspension to all of the holder's transportation vehicle operations at the airport or limit the suspension to the particular transportation vehicle operator who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the transportation vehicle operator, whichever applies, may resume providing transportation service at the airport, after providing verification to the Transportation Regulation Division that any deficiency for which the suspension was given, has been corrected. Failure to correct a deficiency within the time established, may result in revocation of the holder's certificate of registration.

(2) The director may suspend or revoke a certificate of registration if the director determines that:

(A) the holder made a false statement as to a material matter on, or in connection, with the registration application; or

(B) the holder, or any operator of a transportation vehicle authorized under the holder's certificate of registration:

(i) failed to pay any fee required by this article at the time or in the manner required by this article or approved by the director;

(ii) used an AVI tag, courtesy vehicle decal, or transportation-for-hire vehicle decal in an unauthorized manner; or

(iii) failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the Transportation Regulation Division under this article.

(3) The Transportation Regulation Division shall notify the holder in writing of any suspension or revocation under this subsection. Written notice must also be given to any particular transportation vehicle operator whose authority to operate at the airport under a holder's certificate of registration is suspended or revoked under this section. The Transportation Regulation Division shall include in the notice, the reason for the suspension or revocation, the scope of the suspension, the date the director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any transportation vehicle operator, of their right to appeal. The period of suspension or revocation begins on the date specified by the Transportation Regulation Division, or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the Transportation Regulation Division suspends or revokes the authority of a transportation vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or transportation vehicle operator, shall immediately cease any transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform transportation service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another transportation service decal before the expiration of 24 months after the date of revocation.

(c) Appeals of a denial, suspension, or revocation. Any person whose application for issuance or renewal of a transportation service certificate of registration is denied, or any transportation vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended or revoked may file an appeal with the permit and license appeal board in accordance with Section 2-96. [No person shall start and run up an aircraft except in a place designated for such purposes by the director of aviation or one of the director's assistants, and such activity shall not be conducted at Dallas Love Field or Dallas Executive Airport between the hours of 12:00 midnight and 6:00 a.m. At no time shall any person run up an engine or engines in such a position that hangars, shops, or other buildings, or any person in the observation area, are in the path of the propeller or jet blast.]

SEC. 5-26. FEES [~~FLIGHTS IN EXPERIMENTAL OR UNCERTIFICATED AIRCRAFT~~].

(a) A person performing transportation service at the airport shall pay the following fees to the Transportation Regulation Division:

(1) Certificate of registration fee. Courtesy vehicles; chartered buses; vehicles not registered under Texas Department of Licensing and Regulation, Texas Department of Transportation, United States Department of Transportation; and transportation-for-hire vehicles

operating at the airport that do not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code are charged an annual \$30 certificate of registration fee.

(2) Decal fee. An annual decal fee of \$15 is charged for each transportation vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A. The fee to replace a decal that has been lost, stolen, or mutilated is \$25.

(3) Trip fee. Each courtesy vehicle and chartered bus not operating under an airport concession contract and each transportation service and each transportation-for-hire vehicle is charged a \$2.00 per entry and per exit trip fee. This fee does not apply to courtesy vehicles or chartered buses operating under an airport concession contract.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.

~~[No person shall take off or land an experimental or uncertificated aircraft at any municipal airport without written permission from the director of aviation or one of his assistants.]~~

SEC. 5-27. ENFORCEMENT ~~[FLIGHT TRAINING—INSTRUCTION].~~

A vehicle may be towed and impounded if determined by the director, the Transportation Regulation Division, or a peace officer to be operating as a transportation vehicle without:

(1) the certificate of registration or operating authority required by this chapter or Chapter 47A; or

(2) a vehicle decal permit or AVI-tag required by this chapter. ~~[In conducting flight training at any municipal airport, the flight instructor shall acquaint each of his students with the rules and regulations applicable to the airport or airports being used and shall be responsible for the conduct of each student under his direction during dual instructions.]~~

ARTICLE III.

CUSTOMER FACILITY CHARGE.

SEC. 5-28. DEFINITIONS ~~[FLIGHT TRAINING—STUDENT PILOTS FLYING SOLO].~~

In this article,

(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement:

(A) directly with an airport rental car company; or

(B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company.

A person qualifies as an airport customer regardless of whether the person receives the car at the airport, a future ConRAC location, or an off-airport location.

(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.

(3) ConRAC means a consolidated rental car facility.

(4) CUSTOMER FACILITY CHARGE or CFC means a user fee imposed on an airport customer by an airport rental car company on a per transaction basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is always property of the city.

(5) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.

(6) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with the city to provide car rental services.

(7) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party.

~~[(a) Dallas Love Field: No student pilot shall land or take off solo from Dallas Love Field unless the student pilot has at least a private license and is properly qualified under federal aviation regulations for the type of aircraft being flown.~~

~~(b) Dallas Executive Airport: No student pilot shall land or take off solo from Dallas Executive Airport unless the student pilot has at least a student permit issued by the Federal Aviation Administration and is authorized to do so by a flight instructor.]~~

SEC. 5-29. COLLECITON AND USE OF CUSTOMER FACILTY CHARGE FUNDS [LICENSED AIRCRAFT].

(a) The director is authorized to administer the collection of CFC funds consistent with this article. The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.

(b) The CFC amount to be charged an airport customer is \$3.00 per transaction day.

(c) An airport rental car company must:

(1) charge and collect from its customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and list the CFC separately on the invoice as a customer facility charge;

(2) remit the total amount of the CFC along with supporting documentation in a format approved by the director according to the following deadlines:

(A) for an off-airport rental car company, the CFC must be remitted directly to the city on or before the 15th day of every calendar month following the month in which the CFC was invoiced to the airport customer;

(B) for an on-airport rental car company, the CFC must be remitted pursuant to the terms of its concession contract with the city; and

(3) maintain adequate records that account for the CFC charged to its customers and collected for and remitted to the city, in accordance with generally accepted accounting principles, and make the records available to the city on a monthly basis, or upon request of the director.

(d) The city may use the CFC to pay costs associated with studying, planning, designing, and managing ConRAC projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The CFC may also be used to analyze the operational, physical, and financial feasibility of developing ConRAC and other rental car facilities for airport rental car companies as well as for leasing property, paying construction costs, and common use of transportation systems. [No person shall land or take off at Dallas Love Field or Dallas Executive Airport in an aircraft that has not been licensed by the Federal Aviation Administration, except as otherwise provided in Section 5-39 of this chapter.]

ARTICLE IV.

TERMINAL AND FACILITY.

SEC. 5-30. USE OF PASSENGER INTERVIEWS, OPINION SURVEYS, PETITIONS, ETC. AT DALLAS LOVE FIELD [COMPLIANCE WITH AIR COMMERCE REGULATIONS GENERALLY].

(a) It shall be unlawful for any person to conduct passenger interviews, opinion surveys, or circulate any petition or questionnaire to any member of the air traveling public at or upon any restricted airport property, including, but not limited to, the Dallas Love Field terminal building; provided.

(b) This section does not apply to:

(1) a person acting under the authorization of the city, state, or federal government; or

(2) a media person gathering news for general dissemination to the public by newspapers or magazines of general circulation or by radio or television stations operating under a permit from the United States government. [No person shall navigate any aircraft over, land upon or take off from, or service, maintain or repair any aircraft on a municipal airport, or conduct any aircraft operations on or from such an airport otherwise than in compliance with the federal aviation regulations of the Federal Aviation Administration, the requirements of the Civil Aeronautics Board, or any other authority of the federal government.]

SEC. 5-31. BRINGING OF PETS INTO THE TERMINAL ~~[FEES CHARGED FOR COMMERCIAL AIRCRAFT].~~

(a) It shall be unlawful for any individual to bring into any building, or onto any airport property, any pet or animal, unless, for the entire time on the property, the pet or animal is:

(1) in a pet container;

(2) on a leash that is six feet long or shorter; or

(3) otherwise under the complete control of the owner or caretaker.

(b) The director shall cause signs giving appropriate notice of pet and animal restrictions to be installed at prominent places at Dallas Love Field and Dallas Executive Airport.

~~[(a) Fees in the amounts determined pursuant to this section must be paid by owners or operators of all commercial aircraft landing at Dallas Love Field or Dallas Executive Airport or using either airport's facilities for the purpose of taking off or landing aircraft.~~

~~(b) For the purpose of this chapter, COMMERCIAL AIRCRAFT means any aircraft operated for passenger, cargo, or other for-hire purposes on scheduled or non-scheduled flights.~~

~~(c) An owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay fees to the city in accordance with that agreement.~~

~~(d) An owner or operator of commercial aircraft that has not executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay to the city the following fee per 1,000 pounds of certificated gross landing weight (determined according to the manufacturer's data) per landing by a commercial aircraft, including scheduled and miscellaneous non-scheduled landings, whether revenue or non-revenue (except for test, inspection, or ferry flights for aircraft maintenance only):~~

DATE OF LANDING	FEE
January 1, 2009 through September 30, 2009	\$1.50
October 1, 2009 through September 30, 2010	\$1.75
October 1, 2010 through September 30, 2011	\$2.00
October 1, 2011 and thereafter	125% of the fee paid by an owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later.

(e) An owner or operator of commercial aircraft shall file with the director of aviation, within 10 days after the end of each month, the following information:

- (1) The number of landings for the month by type of aircraft.
- (2) The manufacturer's certificated gross landing weight for each type of aircraft.

(f) Fees required by this section are due and payable (without invoice from the city) within 10 days after the end of each month and must be transmitted to the director of aviation together with the information required under Subsection (e) of this section.

SEC. 5-31.1. ~~LANDING FEES CHARGED FOR GENERAL AVIATION AIRCRAFT AT DALLAS LOVE FIELD.~~

(a) In this chapter, ~~GENERAL AVIATION AIRCRAFT~~ means an aircraft that is not a commercial aircraft, as defined in this chapter, on scheduled or non-scheduled flights.

(b) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft.

(c) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement.

(d) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director of aviation shall determine the fee using an 80/20 formula, with 80% of the fee comprised of Dallas Love Field's operation

~~and maintenance costs attributable to general aviation aircraft landings and 20% of the fee attributable to the general aviation aircraft's landed weight. The director of aviation shall, on an annual basis, review the fee and make a recommendation to the city council if the director of aviation determines the fee formula should be amended.~~

~~(e) An owner or operator of a general aviation aircraft shall transmit the fees required by this section to the director of aviation in a timely manner.]~~

ARTICLE V.

OPERATIONS AND SECURITY.

SEC. 5-32. TRESPASSING ON AOA AND MOVEMENT AREAS [AVIATION SCHOOLS GENERALLY].

(a) It is unlawful for any person to enter the AOA of any airport unless a person has a lawful right or is authorized by the director to enter the area. These areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers moving to and from aircraft, employees of the city whose duty it is to perform service, maintenance, and the actual operation of the airport, and such other persons as may be authorized to enter thereon because of their official duties in connection with the maintenance, inspection, and operation of aircraft and the airport.

(b) It is unlawful for any person to enter the movement area of any airport unless a person is authorized by the director and complies with all rules and regulations for access in accordance with FAA and local airport requirements.

~~[No person shall use any municipal airport as a place to conduct an aviation school, air college or flying school unless it is officially recognized by the U. S. Department of Transportation, acting through the Federal Aviation Administration, and has first obtained a lease or permit from the city, or a sublease or permit from one of the city's tenants on the airport. The director of aviation shall have the authority to promulgate rules and regulations deemed appropriate for each municipal airport at which such training is conducted.]~~

SEC. 5-33. LOVE FIELD AIRPORT SECURITY PROGRAM [AVIATION FUEL SALES; LICENSE FEES AND RATES].

(a) A tenant or any person who has been issued identification media by the department of aviation authorizing access to the security identification display, air operations area, or sterile area shall comply with the airport security program. [In this section:

(1) ~~AVIATION FUEL~~ means fuel used in aircraft.

(2) ~~FIXED BASE OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation.~~

(3) ~~SELF FUELING OPERATOR means a person dispensing aviation fuel to aircraft that is:~~

(A) ~~owned by the person;~~

(B) ~~leased from others and operated by the person; or~~

(C) ~~managed for others by the person under a contract.~~

(b) If a penalty is assessed against the city by the Federal Aviation Administration or Transportation Security Administration because a tenant or person who has been issued airport identification media has failed to comply with the airport security program, the director shall assess the same penalty against that tenant or person. A tenant or person shall pay the full amount of a penalty under this subsection to the director not later than the 10th day after the director submits written demand for payment. ~~[Except as provided in Subsection (d) of this section, only fixed-base operators or self-fueling operators located at Dallas Love Field or Dallas Executive Airport who have received prior written permission from the director of aviation and paid the annual fee required under Subsection (c)(1) of this section may sell or dispense aviation fuel at those airports.]~~

(c) The operations and security division of the department of aviation has primary responsibility for enforcement of the airport security program. ~~[A fixed-base operator or a self-fueling operator selling or dispensing aviation fuel at Dallas Love Field or Dallas Executive Airport shall:~~

(1) ~~pay to the city an annual fee of \$1,000, payment to be made in advance through the director of aviation;~~

(2) ~~unless the report is filed by the operator's supplier, file with the director of aviation, before the tenth day of each month, a report of aviation fuel sold or dispensed during the preceding month; and~~

(3) ~~unless payment is made by the operator's supplier, remit with the monthly sales report \$0.07 for each gallon of aviation fuel sold or dispensed during the preceding month.~~

(d) ~~This section does not apply to a person selling aviation fuel to the owner or operator of an aircraft on which a landing fee is assessed at Dallas Love Field or Dallas Executive Airport.]~~

SEC. 5-34. MAINTENANCE RUN-UPS ~~[SALE OF PRODUCTS AT AIRPORTS; LICENSE OR PERMIT].~~

No person shall start and run up an aircraft, except in a place designated for such purposes by the director or one of the director's assistants. Aircraft starts and run-ups may not be conducted at Dallas Love Field or Dallas Executive Airport between 12:00 a.m. (midnight) and 6:00 am. At no time may any person run up an engine or engines from a position that hangars, shops, or other buildings, or any person in the observation area, are in the path of the propeller or jet blast. [No person shall enter upon any municipal airport for the purpose of offering for sale or selling any goods, wares or merchandise unless he shall have first obtained a license or permit therefor pursuant to an application submitted to the director of aviation.]

ARTICLE VI.

ENFORCEMENT.

SEC. 5-35. PENALTY [~~INTERNATIONAL ARRIVAL FEES~~].

A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense is punishable by a fine not to exceed \$500.

[(a) In this section:

(1) ~~COMMERCIAL PASSENGER SERVICE AIRCRAFT~~ means any aircraft operated for scheduled passenger service to or from Dallas Love Field.

(2) ~~INTERNATIONAL ARRIVAL~~ means landing at Dallas Love Field after taking off from a location outside of the United States or a United States territory and using United States Customs and Border Protection services at Dallas Love Field.

(b) ~~An owner or operator of an aircraft (other than a commercial passenger service aircraft) that makes an international arrival shall pay to the city the following fees per international arrival (based on the type of aircraft and the certificated maximum gross take-off weight of the aircraft, as determined according to the manufacturer's data):~~

TYPE OF AIRCRAFT	FEE
Transport category (more than 100,000 pounds)	\$750
Large turbine (more than 40,000 to 100,000 pounds)	\$500
Medium turbine (12,500 to 40,000 pounds)	\$400
Light turbine (less than 12,500 pounds)	\$250
Twin engine reciprocal propeller	\$100
Single engine reciprocal propeller	\$75

(c) ~~Fees required by this section are due and payable to the city within 10 days after the date the aircraft's owner or operator receives an invoice from the city detailing the fees owed.~~

~~SEC. 5-36. FLYING AT LOW ALTITUDE; PERMITS FOR LANDING PLACES.~~

~~No person shall fly any aircraft over the city at a lower altitude than 2500 feet from the surface of the earth except as provided by Section 5-37 hereof, and no person shall establish or maintain or operate any landing place for aircraft within the city, except upon permit of the city council.~~

~~SEC. 5-37. AUTHORIZATION FOR EXHIBITIONS.~~

~~On special occasions and for the purpose of exhibition or for educational purposes or for photographer's work, the city council may authorize aircraft exhibitions or flights to be conducted under the general supervision of the director of aviation. No person shall perform any acrobatic feats or what are commonly called "stunts" while flying in or on any aircraft giving any exhibition or otherwise unless specifically authorized by the director of aviation. No person shall operate a hot air balloon over any part of the city without permission from the director of aviation.~~

~~SEC. 5-38. CONDITION OF AIRCRAFT GENERALLY; OPERATION BY UNSKILLED OR INTOXICATED PERSONS.~~

~~No person shall knowingly operate any aircraft above the city, or give any exhibition of flying or otherwise, while such aircraft is in a defective condition that is likely to cause any accident or injury to persons or property. No person shall operate any aircraft over the city at any time unless such person is fully capable of handling and controlling the aircraft, nor shall any person operate any aircraft while under the influence of any drug or intoxicant of any nature so as to make such person incapable of operating such aircraft properly.~~

~~SEC. 5-39. AIRCRAFT PERMITTED TO OPERATE WITHIN JURISDICTION OF CITY.~~

~~Only pilots and aircraft that have been licensed respectively by the Federal Aviation Administration shall be permitted to operate over or within the jurisdiction of the city and an airport located therein; provided, however, this restriction shall not apply to aircraft of the federal government, a possession or territory thereof, or a state, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement governing the licensing and operation of aircraft.~~

~~SEC. 5-40. LOCATION OF VEHICLES ON PREMISES.~~

~~Every person, other than persons regularly employed in the service of any municipal airport, who goes on any such airport in a vehicle shall stay within the limits of parking spaces and drives and shall not enter the landing area.~~

~~SEC. 5-41. TRESPASSING UPON LANDING, TAKE-OFF AND TAXIING AREAS.~~

~~It shall be unlawful for any person to enter into the landing, take-off and taxiing areas or any other restricted areas at any municipal airport unless the person so doing has a lawful right or a legitimate reason to enter such areas. Such areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers in aircraft, employees of the city whose duty it is to perform services in connection with the maintenance and operation of the airport, and such other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection and operation of aircraft and the airport.~~

SEC. 5-42. ~~LANDING OR TAKING OFF OF AIRCRAFT PROHIBITED EXCEPT AT APPROVED AIRPORTS OR AREAS; FLIGHT REGULATIONS TO BE OBSERVED.~~

~~(a) No person shall land or take off in any aircraft of any type, whether fixed wing, helicopter or lighter than air, such as a balloon or dirigible, except at an airport or area in the city approved for such operations by the Federal Aviation Administration and the director of aviation, unless such action is necessary in an emergency.~~

~~(b) No person shall operate an aircraft of any type within the air space of the city without observing the regulations applicable to flights in such air space. This subsection is applicable to flights of all such aircraft without regard to whether the airport or landing area at which a person takes off or lands is inside or outside the city.~~

SEC. 5-43. ~~RELEASE OF ADVERTISING PAMPHLETS, ETC.~~

~~It shall be unlawful for any person to release or throw any object, advertising pamphlet or any solid or liquid material from any aircraft flying over the city, of any type capable of carrying a person, either fixed wing, helicopter or lighter than air, such as a balloon or dirigible, or to release or throw such object, advertising pamphlet or solid or liquid material from any flying aircraft in such a manner that such object, advertising pamphlet or material will fall within the city, except when such action or actions be necessary in emergencies.~~

SEC. 5-44. ~~USE OF LOUD SPEAKERS, ETC., FOR ADVERTISING.~~

~~No person shall use a loud speaker or other sound or noise making device in an aircraft of any type, either fixed wing, helicopter, or lighter than air, such as a balloon, captive balloon, or dirigible, flying or floating over the city for advertising or other purposes.~~

SEC. 5-45. ~~EXEMPTION OF AIRCRAFT OWNED BY FEDERAL OR STATE GOVERNMENT.~~

~~Sections 5-42 through 5-44 shall not apply to aircraft owned by the federal or state government where the operation involving any of the activities prohibited by said sections is incident to and in aid of national defense and security.~~

SEC. 5-46. ~~SOLICITING BUSINESS OR SELLING MERCHANDISE ON AIRPORT PROPERTY.~~

~~It shall be unlawful for any person to solicit customers or patronage for himself or on behalf of any person or to sell any merchandise of any type or distribute advertising matter upon the premises of any municipal airport of the city, without authority of the director of aviation or the city council.~~

SEC. 5-47. ~~USE OF PASSENGER INTERVIEWS, OPINION SURVEYS, PETITIONS, ETC., IN DALLAS LOVE FIELD TERMINAL BUILDING.~~

~~It shall be unlawful for any person to conduct passenger interviews, opinion surveys or to circulate any petition or questionnaire to any member of the air traveling public at or upon any restricted airport property at Dallas Love Field, including but not limited to the Dallas Love Field terminal building; provided, however, that this section shall not apply to any duly authorized person acting upon or in behalf of any United States government agency, the state or the city; nor to any person gathering news matter for general dissemination to the public by newspapers or magazines of general circulation or by radio or television stations operating under a permit from the United States government.~~

SEC. 5-48. ~~MOVING SIDEWALKS AND ESCALATORS AT DALLAS LOVE FIELD – MANNER OF USE GENERALLY.~~

~~It shall be unlawful for any person to use the moving sidewalks or escalators in the Dallas Love Field terminal building contrary to conspicuously posted instructions, such unlawful activities including, but not limited to, riding backwards, sitting on the handrail side saddle style or such other show-off or prankish maneuvers.~~

SEC. 5-49. ~~SAME – USE BY CHILDREN UNDER 10 YEARS OF AGE; RESPONSIBILITY OF PARENTS; NONLIABILITY OF CITY.~~

~~It shall hereafter be unlawful for any parent, guardian or person accompanying a child or children under the age of 10 years to permit or allow such child or children to enter upon, travel upon or disembark from any moving sidewalk or escalator in the Dallas Love Field terminal building unless each child is held in the arms of such parent, guardian or person accompanying such child or held by the hand by such parent, guardian or person accompanying such child.~~

~~It shall be the duty of such parent, guardian or person accompanying any child under the age of 10 years using any moving sidewalk or escalator in the Dallas Love Field terminal building to hold such child in the arms of such parent, guardian or person accompanying such child or to hold such child by the hand at the time of entry of such child upon any moving sidewalk or escalator and to continue to hold such child either in the arms of such parent, guardian or person accompanying such child or by the hand throughout the course of the journey on any such moving sidewalk or escalator and until such child is disembarked from such moving sidewalk or escalator.~~

~~Any use of the moving sidewalks or escalators by any child or children in any manner contrary to this section shall be deemed a failure by the parent, guardian or person accompanying such child or children to observe this section, and such failure shall absolve the city from any liability whatsoever for any personal injuries suffered by any such child or children or personal injuries resulting in the death of any such child or children.~~

SEC. 5-50. ~~SAME -- USE BY ANIMALS PROHIBITED.~~

~~It shall be unlawful for the caretaker, owner or custodian of any pets or animals to allow such pets or animals to use the moving sidewalks or escalators in the Dallas Love Field terminal building.~~

SEC. 5-51. ~~SAME -- USE BY BABY CARRIAGES, WHEEL CHAIRS, ETC., PROHIBITED.~~

~~It shall be unlawful for any person to enter upon or use the moving sidewalks or escalators with any type of baby buggy, baby carriage, wheel chair or any other type of vehicle, regardless of whether or not such vehicles contain any child, person, thing or objects.~~

SEC. 5-52. ~~SAME -- INSTALLATION OF SIGNS REGARDING USE.~~

~~The director of aviation shall cause to be installed a sign at each entrance to all moving sidewalks or escalators in the Dallas Love Field terminal building. Such signs shall read as follows:~~

~~“NOTICE -- CITY ORDINANCE~~

~~“USE OF MOVING SIDEWALKS BY CHILDREN UNDER TEN PROHIBITED UNLESS HELD IN ARMS OR BY HAND BY PERSON ACCOMPANYING CHILD OR CHILDREN. PETS, ANIMALS, BABY CARRIAGES OR WHEEL CHAIRS PROHIBITED. VIOLATORS WILL BE PROSECUTED.”~~

~~“NOTICE -- CITY ORDINANCE~~

~~“USE OF ESCALATORS BY CHILDREN UNDER TEN PROHIBITED UNLESS HELD IN ARMS OR BY HAND BY PERSON ACCOMPANYING CHILD OR CHILDREN. PETS, ANIMALS, BABY CARRIAGES OR WHEEL CHAIRS PROHIBITED. VIOLATORS WILL BE PROSECUTED.”~~

SEC. 5-53. ~~BRINGING PETS INTO TERMINALS PROHIBITED; EXCEPTIONS.~~

~~It shall be unlawful for any individual to bring into any terminal or terminal extension located at either Dallas Love Field or Dallas Executive Airport any pet other than a seeing-eye dog or a pet traveling by air.~~

SEC. 5-54. ~~INSTALLATION OF SIGNS ABOUT PET RESTRICTIONS.~~

~~The director of aviation shall cause signs giving appropriate notice of the pet restrictions to be installed at prominent places at Dallas Love Field and Dallas Executive Airport.~~

SEC. 5-55. ~~AIRCRAFT PERMITTED TO OPERATE AT DALLAS EXECUTIVE AIRPORT.~~

(a) ~~Except as provided in Subsection (b) of this section, no person shall take off or land an aircraft at Dallas Executive Airport that weighs in excess of 60,000 pounds.~~

(b) ~~This section does not apply to:~~

(1) ~~takeoffs or landings necessitated by emergencies; or~~

(2) ~~aircraft with a load capacity in excess of 60,000 pounds in which no cargo or fare paying passengers are being transported.~~

SEC. 5-56. ~~FLEET MIX REQUIREMENTS FOR COMMERCIAL AIR CARRIERS AT DALLAS LOVE FIELD.~~

(a) ~~In this section:~~

(1) ~~COMMERCIAL AIR CARRIER means any air carrier, as defined in Section 101 of the Federal Aviation Act, that:~~

(A) ~~provides passenger air transportation at Dallas Love Field in accordance with published flight schedules; and~~

(B) ~~uses passenger-carrying aircraft at Dallas Love Field with a capacity of more than 56 passengers.~~

(2) ~~OPERATION means the landing or departure of any passenger-carrying aircraft with a capacity of more than 56 passengers.~~

(3) ~~STAGE 3 AIRCRAFT means an aircraft that complies with the noise levels prescribed in Title 14, Part 36, Appendix C, Section C36.5(a)(3) of the Code of Federal Regulations.~~

(b) ~~Every commercial air carrier shall use Stage 3 or quieter aircraft for at least:~~

(1) ~~60 percent of all monthly operations at Dallas Love Field, beginning July 1, 1989; and~~

(2) ~~65 percent of all monthly departures from Dallas Love Field between 10 p.m. and 7 a.m., beginning December 31, 1992.~~

(c) ~~Subsection (b) of this section shall not apply to a commercial air carrier:~~

~~(1) that regularly conducts not more than six operations within any 24-hour period at Dallas Love Field;~~

~~(2) for the first 180 calendar days after beginning service at Dallas Love Field if such service was begun on or after July 1, 1989; or~~

~~(3) if failure to maintain the percentage of Stage 3 aircraft required by Subsection (b) of this section is the direct result of an act of God; a war, warlike operation, insurrection, or riot; an act of government including a regulation, requisition, rule, or order; a strike or labor trouble; or any other cause beyond the reasonable control of the commercial air carrier.~~

~~(d) A person who violates a provision of this section, or who fails to perform an act required of him by this section, is guilty of an offense. A person commits a separate offense for each operation in which an aircraft exceeding Stage 3 noise levels is used in violation of the monthly percentages required by Subsection (b) of this section. An offense under this section is punishable by a fine not to exceed \$500.~~

ARTICLE II.

GROUND TRANSPORTATION SERVICES AT LOVE FIELD AIRPORT.

SEC. 5-57. STATEMENT OF POLICY.

~~It is the policy of the city to provide and promote adequate and efficient ground transportation services at Dallas Love Field Airport for the convenience of the public. To this end, the city has established a ground transportation system at the airport designed to control traffic congestion, protect the public health and safety, preserve the airport infrastructure, and provide beneficial and convenient ground transportation services to air carrier passengers and other users at the airport.~~

SEC. 5-58. DEFINITIONS.

In this article:

~~(1) AIRPORT means all of the land, improvements, facilities, and developments within the boundaries of Dallas Love Field Airport.~~

~~(2) AVI TAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport's ground transportation office and may be used to charge trip fees for ground transportation vehicles operating at the airport.~~

~~(3) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation at the airport of a courtesy vehicle or transportation for hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.~~

~~(4) CONCESSION CONTRACT means a contractual agreement between the city and another person for the provision of car rental and parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.~~

~~(5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.~~

~~(6) COURTESY VEHICLE SERVICE means the provision of free transportation to customers by or for a business as an accessory to the main activities of the business.~~

~~(7) DECAL means a decal issued by the director under Section 5-62 of this article authorizing the operation at the airport of a courtesy vehicle or transportation for hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.~~

~~(8) DIRECTOR means the city's director of aviation or the director's designated representative, including the transportation coordinator.~~

~~(9) DRIVER means an individual who drives or otherwise controls the physical movements of a courtesy vehicle or transportation for hire vehicle.~~

~~(10) FIXED-BASE OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the airport.~~

~~(11) GROUND TRANSPORTATION SERVICE means the business of operating a courtesy vehicle or transportation for hire vehicle at the airport for the purpose of dropping off or picking up passengers at the airport's terminal building or other areas of the airport.~~

~~(12) GROUND TRANSPORTATION VEHICLE means a courtesy vehicle or transportation for hire vehicle that is used for performing ground transportation service at the airport.~~

~~(13) HOLDER means a person who is granted operating authority to perform ground transportation service at the airport, and includes any person with an ownership interest in the ground transportation service.~~

(14) ~~LAWFUL ORDER~~ means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article.

(15) ~~OPERATE~~ means:

(A) ~~to own, drive, or be in control of a ground transportation vehicle at the airport; or~~

(B) ~~to own or be in control of a ground transportation service provided at the airport.~~

(16) ~~OPERATING AUTHORITY~~ has the definition given that term in Chapter 47A of this code.

(17) ~~OPERATOR~~ means:

(A) ~~the owner or driver of a ground transportation vehicle; or~~

(B) ~~the holder of operating authority to perform ground transportation service at the airport.~~

(18) ~~OWNER~~ means the person:

(A) ~~who is the legal owner of a motor vehicle;~~

(B) ~~to whom a motor vehicle is registered by the state; or~~

(C) ~~who is leasing a motor vehicle.~~

(19) ~~PERSON~~ means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(20) ~~TRANSPORTATION COORDINATOR~~ means the person designated by the director to oversee and manage the ground transportation service operations at the airport.

(21) ~~TRANSPORTATION FOR HIRE SERVICE~~ has the definition given that term in Chapter 47A of this code.

(22) ~~TRANSPORTATION FOR HIRE VEHICLE~~ has the definition given that term in Chapter 47A of this code.

(23) ~~TRIP~~ means each time passengers are picked up at the airport by a ground transportation vehicle.

(24) ~~TRIP FEE means the monetary amount charged per trip to the owner or operator of a ground transportation vehicle in accordance with Section 5-63 of this article.~~

~~SEC. 5-59. GENERAL AUTHORITY FOR ENFORCEMENT.~~

(a) ~~The director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the airport as the director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the airport.~~

(b) ~~The director may issue lawful orders, not inconsistent with this article, as the director determines necessary to carry out duties under, or to effect the policy of, this article.~~

(c) ~~The transportation coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the director under this article.~~

~~SEC. 5-60. DEFENSES.~~

~~It is a defense to prosecution under this article that:~~

(1) ~~the motor vehicle was owned, operated, or leased by:~~

(A) ~~a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;~~

(B) ~~an employer or employee association and being used to transport employees between the employee's homes and the employer's place of business or between work stations;~~

(C) ~~an air freight or cargo company utilizing air cargo terminals at the airport;~~

(D) ~~a fixed-based operator and being used to transport employees or customers at the airport;~~

(E) ~~the federal or state government or a political subdivision of the state;~~
~~or~~

(F) ~~a school, university, organ donor company, medical service provider, or ambulance service; or~~

(2) ~~the ground transportation vehicle was licensed by another governmental entity and was transporting a passenger from a point outside the city to a destination inside the~~

airport, if the ground transportation vehicle leaves the airport without receiving a passenger inside the airport.

~~SEC. 5-61. GROUND TRANSPORTATION SERVICE REQUIREMENTS.~~

(a) ~~A person commits an offense if he performs ground transportation service at the airport without being authorized under either:~~

(1) ~~a current, valid certificate of registration issued under Section 5-62 of this article; or~~

(2) ~~a current, valid operating authority permit issued under Chapter 47A of this code.~~

(b) ~~A person commits an offense if he operates a ground transportation vehicle at the airport without either:~~

(1) ~~being named in the registration issued under Section 5-62 of this article; or~~

(2) ~~holding a current, valid driver permit issued under Chapter 47A of this code.~~

(c) ~~A person commits an offense if he operates, or as a holder allows the operation of, a ground transportation vehicle at the airport that:~~

(1) ~~is not listed in the registration issued under Section 5-62 of this article; or~~

(2) ~~does not have a current, valid vehicle permit issued under Chapter 47A of this code.~~

(d) ~~Each ground transportation vehicle operated at the airport that is required by the director to have an AVI tag must display the AVI tag issued to the owner or operator of the vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.~~

(e) ~~Each ground transportation vehicle operated at the airport that does not have a vehicle permit issued under Chapter 47A of this code must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director.~~

~~SEC. 5-62. REGISTRATION OF GROUND TRANSPORTATION SERVICE AT THE AIRPORT.~~

(a) ~~Registration; application.~~

~~(1) To obtain a ground transportation service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service.~~

~~(2) The registration application must include or be accompanied by:~~

~~(A) the name, address, and verified signature of the applicant;~~

~~(B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;~~

~~(C) the full name and driver's license number of every individual expected to drive or operate a ground transportation vehicle at the airport under the registration;~~

~~(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation service;~~

~~(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation for hire vehicle to be operated at the airport;~~

~~(F) proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation for hire vehicle to be operated at the airport;~~

~~(G) a decal fee in the amount specified in Section 5-63 of this article for each courtesy vehicle or transportation for hire vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and~~

~~(H) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the airport.~~

~~(b) Issuance and denial of registration.~~

~~(1) The director shall issue a certificate of registration to the applicant, unless the director determines that the applicant:~~

~~(A) failed to comply with the requirements for receiving a certificate of registration;~~

~~(B) failed to submit a complete registration application;~~

~~(C) made a false statement as to a material matter on or in connection with the registration application;~~

~~(D) had a ground transportation service certificate of registration revoked within the 24 months preceding the date of application; or~~

~~(E) owes the city money relating to the operation of ground transportation service at the airport.~~

~~(2) If the director approves the registration application, the applicant will receive a ground transportation service certificate of registration and a decal for each vehicle authorized to be operated in the ground transportation service. A certificate of registration and all accompanying decals expire September 30 of each year and must be renewed in accordance with the application procedures set forth in this section.~~

~~(3) If the director determines that a certificate of registration should be denied, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of the right of appeal.~~

~~(c) Suspension or revocation of registration.~~

~~(1) The director may suspend or revoke a certificate of registration if the director determines that:~~

~~(A) the holder made a false statement as to a material matter on or in connection with the registration application;~~

~~(B) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to pay any fee required by this article at the time or in the manner required by this article or approved by the director;~~

~~(C) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, used an AVI tag or courtesy vehicle or transportation-for-hire vehicle decal in an unauthorized manner; or~~

~~(D) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the director under this article.~~

~~(2) The director may suspend the certificate of registration of a ground transportation service for a period not to exceed 60 days. The director may apply the suspension to all of the holder's courtesy vehicle or transportation-for-hire vehicle operations at the airport or limit the suspension to the particular courtesy vehicle or transportation-for-hire vehicle operator listed on the holder's certificate of registration who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, may resume providing courtesy vehicle or transportation-for-hire vehicle service at the airport after providing verification to the director that any deficiency for which the suspension was given has been corrected within the~~

suspension period. Failure to correct a deficiency within the time period established by the director may result in revocation of the holder's certificate of registration.

~~(3) The director shall notify the holder in writing of any suspension or revocation under this section. Written notice must also be given to any particular courtesy vehicle or transportation for hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration is suspended under this section. The director shall include in the notice the reason for the suspension or revocation, the scope of the suspension, the date the director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any suspended courtesy vehicle or transportation for hire vehicle operator of the right of appeal. The period of suspension or revocation begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.~~

~~(4) If the director denies issuance or renewal of a ground transportation service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation for hire vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation for hire vehicle operator, whichever applies, shall immediately cease any ground transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation service at the airport.~~

~~(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.~~

~~(d) Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation service certificate of registration is denied by the director, any holder whose certificate of registration has been revoked or suspended by the director, or any courtesy vehicle or transportation for hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended by the director may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

SEC. 5-63. FEES.

~~(a) A person performing ground transportation service at the airport shall pay the following fees to the director:~~

~~(1) Decal fees. An annual decal fee of \$15 will be charged for each courtesy vehicle or transportation for hire vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code, by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is \$15.~~

~~(2) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation for hire vehicle will be charged \$2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.~~

~~(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.~~

SEC. 5-64. CUSTOMER FACILITY CHARGE.

~~(a) Definitions. In this section:~~

~~(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement either (A) directly with an airport rental car company; or (B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company. A person qualifies as an airport customer regardless of whether the person receives the car at the airport, future ConRAC location, or at an off-airport location.~~

~~(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.~~

~~(3) CFC means customer facility charge and is a user fee imposed on a transactional basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is, at all times, property of the city.~~

~~(4) COMMON TRANSPORTATION SYSTEM means a shared shuttle system dedicated solely to the transportation of airport customers between the passenger terminals and the ConRAC.~~

~~(5) ConRAC means a consolidated rental car facility.~~

~~(6) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.~~

~~(7) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with city to provide car rental services.~~

~~(8) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party.~~

~~(b) CFC amount. An airport customer shall pay a CFC of \$3.00 per transaction day.~~

~~(c) Director's power and duties.~~

~~(1) The director is authorized to implement and administer the CFC consistent with the policy of this article.~~

~~(2) The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.~~

~~(d) Airport rental car company's duties. The airport rental car company shall:~~

~~(1) charge and collect from each airport customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and shall list the CFC separately on the invoice, describing it as a "Customer Facility Charge";~~

~~(2) remit the total amount of the CFC along with supporting documentation in a format acceptable to the director by the following deadlines:~~

~~(A) for an off-airport rental car company, the CFC shall be remitted directly to the city monthly, and not later than the 15th day of the month following the month in which the CFC was invoiced to the airport customer;~~

~~(B) for an on-airport rental car company, the CFC shall be remitted pursuant to the terms of its concession contract with the city; and~~

~~(3) maintain adequate records that account for the CFC charged to its customers and collected for the city, in accordance with generally accepted accounting principles, and make the records available to the city upon request of the director.~~

~~(e) Use of CFC. The city may use the CFC to pay costs associated with studying, planning, designing, managing projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The CFC may also be used to analyze the operational, physical, and financial feasibility of developing the ConRAC and other rental car facilities for airport rental car companies as well as for leasing property, construction costs, and common use transportation systems.]”~~

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 5 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____