

ORDINANCE NO. 23-040

An ordinance amending the "Airport" Chapter of the Code of the City of Gilmer, Texas, 1987, through the repeal of the existing chapter and the adoption of a new "Airport" Chapter; providing for a fine for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

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

That the "Airport" Chapter of the Code of the City of Gilmer, Texas, 1987, is hereby amended through the repeal of the existing "Airport" Chapter and the adoption of a new "Airport" Chapter, so that hereafter said Chapter shall be and read as follows:

ARTICLE I

PURPOSE

Section 1.01 Purpose

- A. There shall be a unit of City government to be known as the Airport. Said unit shall be under the supervision of the City Manager and/or his/her designee who shall be responsible for the conduct of the affairs of said Airport, including planning, development, operation, management, maintenance, and security of the Airport and all City-owned and operated land, Improvements, facilities, Vehicles, and equipment.
- B. The Fox Stephens Field-Gilmer Municipal Airport is included in the National Plan of Integrated Airport Systems (NPIAS) and designated as a "Public Use" airport by the Federal Aviation Administration. The State of Texas includes the Airport on the Texas Airport System Plan.
- C. The Airport is required to operate for the use and benefit of the public and shall be made available to all types, kinds, and classes of Aeronautical Activity on reasonable terms and without unjust discrimination.
- D. The City will plan, develop, operate, and manage the Airport in such a manner so as to (a) ensure its long-term financial health, (b) protect and promote the health, safety, security, and general welfare of the public, and (b) encourage the provision of the type, level, and quality General Aviation products, services, and facilities desired by the public.
- E. The Administrator is authorized to: (a) create, interpret, administer, and enforce Agreements and the Primary Management and Compliance Documents (PMCDs), (b) allow, where and when appropriate, temporary, short-term occupancy or use of Airport land or Improvements, and (c) obtain and receive copies of all leases, Subleases,

licenses, permits, certifications, ratings, Certificates of Insurance, and other documents required to be provided to or filed with the City. All inquiries regarding the PMCDs and/or compliance therewith shall be directed to the Administrator.

- F. The Administrator shall have the power to make rules and regulations as necessary to manage, use, preserve and govern the Fox Stephens Field-Gilmer Municipal Airport. The Airport Manager shall have the power to approve variances or exemptions to the PMCDs when special conditions, unusual situations, or unique circumstances exist.

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

The following words and terms, when used in this Chapter, shall have the meanings hereinafter designated.

"Abandoned" means property, other than Aircraft or Vehicles, left at the Airport for 48 hours without the owner moving or claiming it.

"Accident" means a collision or other contact between any part of an Aircraft, Vehicle, equipment, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving Aircraft, Vehicle, or Equipment by a person which results in personal injury or death to such person or some other person or which results in Property damage.

"Administrator" means the City Manager and/or his/her designated representative thereof, responsible for the administration and day-to-day operation and management of the Airport, all City owned Property, Vehicles, equipment, material, financial assets, and employees at the Airport, and all employees assigned to the Airport.

"Aeronautical Activity" means any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft. It shall also mean, activities which have a direct relationship to the operation of Aircraft or the operation of the Airport.

"Agency" means any federal, state, or local governmental entity, unit, organization, or authority.

"Agreement" means a written contract (e.g., lease agreement, permit, etc.), enforceable by law, executed by both parties, between the City and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain Activities.

"Air Operations Area (or AOA)" means a portion of an airport which includes Aircraft Movement Areas, Ramps, and safety areas, and any adjacent areas that are not separated by adequate security systems, measures, or procedures.

"Air Traffic Control (or ATC)" means a service operated by an appropriate authority sanctioned and certified by the FAA for the control, separation, and movement of Aircraft in the air or on the ground.

"Aircraft" means a device that is used or intended to be used for flight.

"Aircraft Maintenance" means the repair, maintenance, alteration, calibration, adjustment, preservation, or inspection of Aircraft airframe, powerplant, propeller, and accessories (including the replacement of parts) as described in 14 CFR Part 43.

"Aircraft Operator" means a person who uses, causes to be used, or authorizes to be used an Aircraft, with or without the right of legal control (as Owner, Lessee, or otherwise) for the purpose of air navigation including the piloting of Aircraft or the operation of Aircraft on any part of the surface of an airport.

"Aircraft Storage Hangar" means any Hangar approved and used specifically for the purposes of Aircraft storage not including Aircraft Maintenance.

"Aircraft Operating Area" means any area of the Airport used or intended to be used for Landing, takeoff, or the surface maneuvering of aircraft. The AOA includes, but is not limited to runways, taxiways, taxi-lanes, safety areas, aprons, rams, and any other aircraft parking areas.

"Airport" means all land, Improvements, and appurtenances within the legal boundaries as it now exists on the Airport Layout Plan (or Exhibit A of the most recent FAA grant) and as it may hereinafter be modified at Fox Stephens Field-Gilmer Airport (JXI).

"Airport Improvement Plan, (or AIP)" means a grant-in-aid program, administered by Federal Aviation Administration through TxDOT.

"Airport Layout Plan, (or ALP)" means the FAA approved and City adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and City depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

"Airside" means the Runways for landing and taking off of Aircraft, designated helipads, Taxiways and Taxilanes for ground movement of Aircraft, and Ramp for parking, loading, unloading, fueling, and servicing of Aircraft.

"Airworthy, Flyable Aircraft, or Airworthy in a Condition Safe for Flight" means an aircraft considered to be safe for flight, meeting the conditions set by the FAA in 14 CFR 91.7, and having (1) correct and valid certificates, documents and equipment in the aircraft, or available, (2) an annual or condition or progressive maintenance inspection completed and released by an appropriate authority that substantiates the aircraft is in a condition safe for flight, (3) a determination by the pilot in command that the aircraft is in a condition safe for flight.

"Association" means an entity legally formed and recognized under the laws of the State of Texas having an existence separate and apart from its members or shareholders (e.g., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

"Based Aircraft" means an Aircraft which has been or will be stored at the Airport for more than 183 calendar days over a one-year period (including days that the Aircraft is operating off the Airport and not paying Based Aircraft storage rents or fees at another airport).

"Building Area" means an area on the airport to be used, considered, or intended to be used for airport buildings or other airport facilities or rights-of-way together with all airport buildings and facilities located thereon.

"Co-Op Fueling" means the fueling of an Aircraft by the Owner of the Aircraft or the Owner's Employee using Vehicles, Equipment, and resources owned by an approved Association.

"Courtesy Vehicle" means any Vehicle used to transport persons, baggage, or goods, or any combination thereof, on the Airport or between the Airport and off-airport locations such as hotels, motels, or other attractions for which no charge is levied (no Compensation is paid).

"FAA" means the Federal Aviation Administration of the U.S. Department of Transportation. When used to designate a person, FAA shall mean the Administrator or his duly authorized representative.

"Flight Training" means the training, other than ground training, received from an authorized instructor in an Aircraft.

"Foreign Object Debris (or FOD)" means any object found in an inappropriate location that - as a result of being in that location - can damage equipment or injure aircraft or airport personnel.

"Fuel Handling" means the transporting, delivering, fueling, dispensing, or draining of Fuel or Fuel waste products.

"GSA" means General Services Administration of the Federal Government.

"General Aviation" means all aviation with exception of Air Carriers and the military.

"General Aviation Minimum Standards (or Minimum Standards)" means the qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as may be amended from time to time.

"Governance Documents" or "Primary Management and Compliance Documents" (PMCDs) means the compendium of Airport policies, standards, guidelines, rules, and regulations that govern the development, operation, and management of an airport, adopted by resolution of the City, as may be amended from time to time, including General Aviation Leasing/Rents and Fees Policy, General Aviation Minimum Standards, Rules and Regulations, and Design Standards.

"Hangar" means any fully or partially enclosed storage facility for an Aircraft.

"Jet Fuel" means the Fuel commonly utilized to power turbine-engine (Turboshaft, Turboprop, and Turbojet) Aircraft.

"Leased Premises" means the land and/or Improvements used exclusively under Agreement by an Operator, Lessee, or Sublessee.

"Movement Area" means the Runways, Taxiways, and other areas of the Airport which are utilized for taxiing, hover taxiing, takeoff, and landing of Aircraft (exclusive of Aircraft parking, loading, unloading, fueling, and servicing areas) where Aircraft are moved with radio contact with ATC or other Aircraft. The Movement Area includes all areas under the direct and positive control of ATC. Specific approval for entry onto the movement area must be obtained from ATC.

"Non-Commercial" means not for the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

"Non-Commercial Self-Fueling" means the fueling of an Aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's Vehicles, Equipment, and resources.

"Non-Movement Area" means those portions of the Airport where Aircraft taxi or are moved without radio contact with ATC or other Aircraft.

"Notice to Airmen (or NOTAM)" means the guidelines regarding aeronautical operations issued by a representative of the FAA, the Administrator, ATC, or other authorized Agency.

"Operator" means an entity that has entered into an Agreement with the City to engage in Commercial Aeronautical Activities at the Airport.

"Owner" means the registered legal Owner of an Aircraft according to FAA records or a Vehicle according to the applicable state Department of Motor Vehicle records.

"Permittee" means an entity who has written permission from the City to conduct an Activity at the Airport according to the parameters established by a permit.

"Primary Management Compliance Documents" means a compendium of documents that govern the Operation, Management and Development of an airport.

"Private Hangar" means a hangar owned by any person other than the city. For the purposes of this chapter, if such private hangar is owned other than by one person, the owners shall designate in writing one person as the agent to deal with the city.

"Public Area" means those areas normally used by the general public. Such areas include restrooms, Airport Terminal Building lobbies, hallways, passage ways, roadways, walkways, sidewalks, and Vehicle parking lots. Public areas do not include the areas owned and/or leased by Commercial businesses unless such businesses so designate certain areas as public use areas. Public Areas do not include the AOA, Restricted Areas, and employee parking lots.

"Ramp" means the Paved areas of the Airport within the AOA designated by the City for parking, loading, unloading, fueling, or servicing of Aircraft.

"Refueling Vehicle" means any Vehicle used for transporting, handling, or dispensing of Fuels and lubricants.

"Repair Station" means a certificated Aircraft Maintenance facility approved by the FAA to perform specific maintenance functions. Repair Stations are certificated under 14 CFR Part 145.

"Restricted Area" means areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel (pursuant to applicable Regulatory Measures) including, but not limited to the AOA, Runways, Taxiways, Taxilanes, and fire lanes, airport maintenance facilities, mechanical rooms, electrical vaults, fire breaks and any other areas marked as such with signage.

"Runup" means an Aircraft engine operation above normal idle power for purposes other than initiating or sustaining taxiing or takeoff.

"Runway" means an area of the Airport developed and improved for the purpose of accommodating the landing and takeoff of Aircraft.

"Self-Fueling" means the Non-Commercial Fueling of an Aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's Vehicles, Equipment, and resources.

"Self-Fueling Permittee" means the Aircraft Owner or Aircraft Operator engaged in Self-Fueling, holding a valid Self-Fueling Permit issued by the City.

"Sponsor" means the City of Gilmer. Sponsor can also be considered the "owner".

"Structures" means airport facilities such as bridges; culverts; catch basins; inlets; retaining walls; cribbing; storm and sanitary sewer lines; water lines; underdrains; electrical ducts, manholes, handholes, lighting fixtures and bases; transformers; flexible and rigid pavements; navigational aids; buildings; vaults; and other manmade featured of the airport that may be encountered in the work and not otherwise classified herein.

"TxDOT Aviation" means the Texas Department of Transportation, Aviation Division, acting as the sponsor's (owners) agent.

"Taxi lane" means the portion of the Ramp used for access between Taxiways and Ramps. Taxi lanes are always outside the Movement Area and differentiated from a Taxiway by the required Object Free Area requirements stipulated by the FAA.

"Taxiway" means a defined path, usually Paved, over which Aircraft can taxi from one part of an airport to another (excluding the Runway). ATC must have a clear line of sight to all Taxiway centerlines. Additionally, a Taxiway is further differentiated from a Taxilane by the required Object Free Area requirements stipulated by the FAA.

"Through-the-Fence" means an airport sponsor's grant, to an entity, of ground access by an aircraft, across the airport's property boundary, to the airport's airside infrastructure (commonly through-the-fence) and permission to engage in associated activities from property adjacent to the airport.

"Tie-down" means a Paved or unpaved area suitable for parking and mooring of Aircraft, wherein suitable anchoring points and related Equipment are located.

ARTICLE III

BOARDS

Section 3.01 FOX STEPHENS FIELD-GILMER MUNICIPAL AIRPORT BOARD

A. **COMPOSITION.**

The Fox Stephens Field-Gilmer Municipal Airport Board shall be composed of seven (7) members, two (2) members shall be nonpilots, and three (3) members shall be pilots. The remaining two (2) shall be any combination thereof. One of the seven members shall be a member of the City Council.

- 1) In addition, the board shall also be composed of 1 ex-officio and one non-voting member in addition to the 7 members listed above.

B. **TERM OF MEMBERS.**

The term of office of the members of the Airport Advisory Board shall commence on February 1, except for the filling of vacancies. Each member of said Board shall serve for a term of two (2) years.

C. **REMOVAL OF MEMBERS FROM OFFICE.**

Any member shall be subject to removal from office by the City Council for:

- 1) any cause deemed by the Council sufficient therefore in the interest of public service, and the vacancy filled with a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause.

or

- 2) Upon recommendation of the Airport Advisory board and approval by majority vote of City Council.

It is expected that board members maintain professionalism in all aspects representing the Fox Stephens Field-Gilmer Municipal Airport.

D. **APPOINTMENT OF MEMBERS.**

Members shall be appointed by a majority vote of the City Council upon recommendation of the Airport Advisory Board. Recommendation(s) by the board are not necessary for appointment to the board. Each member of the Airport Advisory Board shall be a resident of Upshur County, unless such residency requirement is waived by a majority vote of the City Council.

It is expected that board members maintain professionalism in all aspects representing the Fox Stephens Field-Gilmer Municipal Airport.

1) **ATTENDANCE OF MEMBERS.**

All members of the board are expected to make every effort to attend board meetings. Members with more than 3 unexcused absences in a rolling 12-month period are subject to removal by recommendation of the board and approval by majority vote of city council.

E. The members of the airport board shall serve without compensation.

- F. The members of the airport board shall hold such meetings as the board may determine, or shall meet at the request of the city council or the Administrator. Meetings shall be held at least 1 week before scheduled council meetings so that any airport agenda items may be considered and discussed by city council if necessary.
- G. The City Secretary shall keep a record of all airport board proceedings (minutes) and said record shall be filed by the City Secretary in said office.
- H. A simple majority of the members of the airport board shall constitute a quorum of the board for the transaction of all business.
- I. The members of the airport board shall organize and select officers of such board from its membership.
- J. The powers and duties of the airport board shall be as follows:
 - 1) Assist with oversight of annual yet continuous operations and maintenance functions, to include:
 - a. Recommendation and approval of airport specific regulations/
 - b. Recommend priorities for maintenance and upgrading projects;
 - c. Recommendation of safety protocols for the airport
 - d. Make recommendations to the city council and Administrator relative to rates to be charged for the various uses of the airport.
 - 2) Assist with review and update of adopted ALP for airport development to include:
 - a. Capital improvement program, including federal, state, and local funding anticipated;
 - b. Operations and maintenance plans;
 - c. Recommendations to local planning and zoning authority for protection of the airport through zoning for obstructions and compatible land use;
 - d. Promote orderly but compatible development of adjacent land to its maximum revenue-generating capacity
 - 3) To consider such other items as may be referred to it by the Administrator, Airport Manager, and/or the Chairman of the board pertaining to the airport; and
 - 4) Serve as communications conduit for airport-related matters, to include;
 - a. Provide accurate information on facilities to federal, state, and city agencies;
 - b. Provide liaison between the airport users and government officials;
 - c. Assist with resolving conflicts which may periodically develop between the airport and its neighbors on an as needed basis.

The airport board is advisory in nature and works alongside the Administrator. All rules or regulations of the airport board shall be subject to modification or veto by the city council.

ARTICLE IV PERMITS

Section 4.01 Permits

- A. There shall be a General Aviation Operator Permit valid for the time period indicated in the Permit as long as the information submitted by Operator is and remains current and the Operator remains in full compliance with all applicable General Aviation Minimum Standards and the Rules and Regulations of the Fox Stephens Field-Gilmer Airport.
- B. The Permit may not be assigned or transferred and shall be limited solely to the approved Activity identified in the Permit. For Lessees, the Permit shall be incorporated by reference into the Lessees' Agreement. The breach of any portion of the Permit by Operator, including the Application incorporated by reference thereto, shall be deemed a material breach of any associated Agreement allowing the City the option to terminate the Permit and/or the Agreement.

ARTICLE V

ENFORCEMENT

Section 5.01 Penalty

- A. All owners, tenants, lessees, sublessees, persons in control of property or premises within the Airport, and persons who enter or use property within the Airport shall comply with the provisions of this Chapter as well as all other applicable laws, rules, and regulations.
- B. Unless otherwise specified herein, a violation of any provision of this Chapter by any person, firm, corporation, agent or employee thereof shall be punishable as a misdemeanor, and upon conviction such person, firm, corporation, agent or employee thereof shall be fined in an amount not to exceed \$500. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. If the definition of an offense does not prescribe a culpable mental state, then a culpable mental state is not required.

Section 5.02 Authority to Issue Citations

The Administrator shall have the power to issue one (1) or more citations for violations of this Chapter in accordance with Article VI of the Municipal Court Chapter, as amended.

ARTICLE VI

GENERAL PROVISIONS

Section 6.01 Purpose

The purpose of these General Provisions is to protect the public health, safety, interest, and general welfare of the Operators, Lessees, Sublessees, Permittees, and users of the Fox Stephens Field-Gilmer Airport (Airport), and to restrict or prevent any activity or action which would interfere with the safe, orderly, and efficient use of the Airport.

Section 6.02 Security

- A. Gates providing access to the Air Operations Area (AOA) shall remain closed, locked, and secured except when in use. Manual Security gates in use shall be immediately closed and secured. Only persons authorized by the Administrator shall be allowed to control an open Security gate.
- B. Tampering with, interfering with, or disabling the lock or closing mechanism, or breaching any security device is prohibited unless authorized by the City. Persons who have been provided a code or device for the purpose of obtaining access to a Restricted Area shall not, under any circumstances, convey the code or device to any other person unless authorized in writing by the City.
- C. Leased Premises are expressly for the conduct of the Lessee's or Sublessee's activities. No person (other than its employees or customers) shall use or Loiter on such premises without permission of the Lessee or Sublessee. The Airport shall not be used to camp or stay overnight without permission of the Administrator.

Section 6.03 Animals

- A. No person shall:
 - 1. Abandon any animal on Airport property.
 - 2. Permit animal defecation caused by an animal owned or possessed by him or her to remain on Airport property, unless properly disposed of in a trash receptacle.
 - 3. Permit an animal owned or possessed by him to run at large, nor permit any such animal on Airport property unless it shall at all times be restricted or kept on a leash no greater than six (6) feet in length. Nor shall any person allow an animal owned or possessed by him to remain unattended on Airport property.
- B. It is an affirmative defense to Section 6.03(A)(3), as amended, that:
 - 1. The animal is a police service animal under the supervision of a police officer in the performance of his/her official duties;

2. The animal is a "service dog" performing duties of assisting the disabled.

Section 6.04 Safe Operation of Equipment and Aircraft

No person shall start, move, use, or interfere with the safe operation of any Aircraft, Vehicle, or equipment without the owner's permission or by specific direction of Airport Operations.

Section 6.05 Abandoned, Derelict, or Lost Property

Property shall not be abandoned at the Airport. Abandoned, derelict, or lost Property found in Public Areas shall be reported or turned in to the City.

Section 6.06 Commercial Activities

- A. Any entity or individual engaging in a Commercial Aeronautical Activity shall complete all relevant and applicable sections of the General Aviation Operator and Lessee Application and obtain a General Aviation Operator Permit from the City prior to engaging in the desired Commercial Activity.
- B. Any entity desiring to engage in Commercial photography or filming at the Airport shall obtain written permission from the City prior to engaging in such activity.

ARTICLE VII

AIRCRAFT RULES AND REGULATIONS

Section 7.01 Regulatory Measures

Aeronautical Activities shall conform to 14 Code of Federal Regulations, PMCDs, any other applicable law, and the directives of the Administrator or Air Traffic Control personnel.

Section 7.02 Parking and Storage

- A. Aircraft shall be parked within the confines of the assigned or designated Tie-down or parking space and shall not block a Taxiway, Taxilane, or obstruct access to other Aircraft storage or parking areas, vehicles, equipment, gates, or other facilities. Unless utilizing a Leased Premises or as otherwise provided in an Agreement, no person shall use any area for the parking, staging, and storage of Aircraft, without prior written permission of the City. In the event a person uses any area for Aircraft parking, staging, or storage without first obtaining the prior written permission of the City, the City may remove and store the Aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the City.
- B. Aircraft Operators shall ensure Aircraft are properly secured when parked and/or stored. Moored lighter-than-air Aircraft shall have at least one person monitoring the safety of the mooring for the duration of the mooring.

ARTICLE VIII

OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS

Section 8.01 Security

Gates or doors which provide access to a Restricted Area through Leased Premises shall remain closed, locked, and secured except when actually in use. All gates, chains, doors, locks and all other safeguards on the Leased Premises shall be maintained in good working order.

Section 8.02 Aircraft Hangars

A. Aircraft Hangars shall only be used for the parking and storage of Aircraft and associated Aircraft equipment and supplies as approved by the City or as otherwise stipulated in an Agreement. To the extent of any conflict, this section controls over the Fire Prevention Chapter, Construction Chapter, or any other provision of the Code of Ordinances of the City of Gilmer. Use of Aircraft Hangars shall be subject to the following restrictions:

1. A person shall not stay overnight in an Aircraft Storage Hangar, or in an office attached to an Aircraft Storage Hangar. A pilot or flight crew may remain overnight in short-term flight crew quarters within a Fixed Base Operator's facility.
2. The owner or pilot housing an aircraft in an Aircraft Storage Hangar may only perform preventive maintenance as defined in the 14 CFR Part 43, Appendix A to Part 43 - Major Alterations, Major Repairs, and Preventive Maintenance on any aircraft owned or operated by that pilot which is not used under part 121, 129, or 135, so long as such maintenance activity conforms with the City's Building/Fire Codes.
3. Oily rags, waste oil, or other materials soiled with petroleum-based products shall be stored in containers with self-closing, tight-fitting lids, and be disposed of in accordance with applicable Regulatory Measures.
4. Any alteration, defacement, or destruction of a city hangar by lessee without specific and direct approval of the Administrator, shall be considered a class C misdemeanor and said lessee shall be subject to termination of lease.

Section 8.03 Right of Entry

A. The Administrator shall have the right of entry at reasonable times for repairs, maintenance, modification, or inspection of all facilities, buildings, and Improvements at the Airport.

- B. If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building or premises are unoccupied, the Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrator may enter the property or premises through a warrant or any other remedy provided by law.
- C. The Administrator and the Fire Department shall have the right of entry to facilities, buildings, and Improvements without advanced notification during emergencies, as allowed by law. Emergencies may include, but shall not be limited to, fire, acts of nature, or Hazardous Materials spill or leak, or for the protection of persons or Property.

ARTICLE X CONTROL OF VEHICLES

Section 10.01 Equipment

- A. Trailers and semi-trailers shall not be disengaged from towing Vehicles.
- B. Storage of trailers in hangars is prohibited.
- C. Vehicles constructed, equipped, loaded, or maintained so as to endanger persons or Property are prohibited.
- D. No tank Vehicle, truck, or semi-trailer used for the transportation of flammable liquids, Fueling, or defueling of Aircraft shall be operated on the AOA without prior written approval of the City and/or FBO at Fox-Stephens Field.
- E. Vehicles hauling trash, dirt, or any loose material(s) shall secure and cover the Vehicle's load.
- F. Positive locking couplings are required for all towing Vehicles and related equipment.

Section 10.03 Parking or Stopping

- A. Vehicles shall not be parked or stopped in such a manner so as to obstruct Aircraft, pedestrians or Vehicles. If a temporary closure is necessary, such as to load or unload Aircraft, or cargo, the Vehicle Operator shall contact Airport Operations for assistance.
- B. Vehicles shall be parked only in designated parking areas unless otherwise approved in writing by the City. Parking on unpaved or grassed areas is prohibited unless approved by the Administrator.

- C. Employees of Operators, Lessees, or Sublessees shall use employee parking areas on the Leased Premises, or in public parking areas, as designated by the City. All service Vehicles or equipment shall be parked in specially reserved and marked areas on the Leased Premises.
- D. Aircraft Operators may park Vehicles inside the Hangar or outside the Hangar in designated parking areas while the Aircraft is gone. Aircraft Operators using Tie-downs for Aircraft storage may park Vehicles in designated public parking areas only while the Aircraft is gone.
- E. Displaying Vehicles, aircraft, and/or equipment for sale, lease, or rent is prohibited.
- F. Boats, rafts, jet skis, snow mobiles, dune buggies, dirt bikes, all-terrain Vehicles, race cars, recreational Vehicles, trailers, and other similar Vehicles shall not be parked or stored in a Hangar or anywhere else on the Airport.

ARTICLE XI FEES

Section 11.01 Fees

For the use of goods and other administrative services, a fee may be charged in an amount set by ordinance of the City Council from time to time (See Master Fee Schedule on file with City Secretary at city hall).

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this ordinance shall be guilty of a Class C misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Gilmer, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

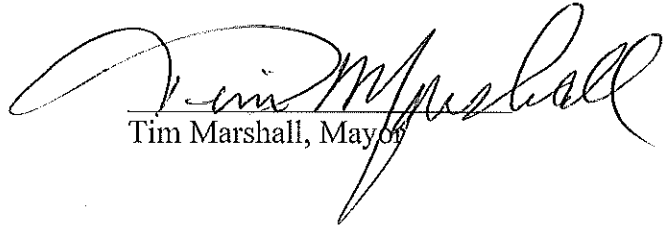
All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Gilmer in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Gilmer in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Gilmer.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Gilmer, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

This ordinance shall become effective ten days after first publication.

PASSED AND APPROVED this 10th day of October, 2023.


Tim Marshall, Mayor

ATTEST:


Kimberly Smith, TRMC, MMC, City Secretary

APPROVED AS TO FORM AND EFFECT:


Michael D. Martin, City Attorney

